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HIGH COMMISSIONER FOR HUMAN RIGHTS



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Human Rights and Law Enforcement

*A Trainer's Guide on Human Rights
for the Police*



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NOTE

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The administration of justice, including law enforcement . . . agencies, . . . in full conformity with applicable standards contained in international human rights instruments, [is] essential to the full and non-discriminatory realization of human rights and indispensable to the process of democracy and sustainable development.

. . .

The advisory services and technical assistance programmes of the United Nations system should be able to respond immediately to requests from States for educational and training activities in the field of human rights as well as for special education concerning standards as contained in international human rights instruments and in humanitarian law and their application to special groups such as . . . law enforcement personnel.

VIENNA DECLARATION AND PROGRAMME OF ACTION
(Part I, para. 27; Part II, para. 82)

NOTE TO USERS OF THE TRAINER'S GUIDE

This Trainer's Guide is one component of a three-part package of materials for human rights training for police. The police training package also includes a training Manual and a Pocket Book of human rights standards for police. The three components of the package are designed to complement each other and, taken together, provide all necessary elements for the conduct of human rights training programmes for law enforcement officials in accordance with the approach developed by the Office of the United Nations High Commissioner for Human Rights.

The Manual (component one of the package) provides in-depth information on sources, systems and standards for human rights in law enforcement, together with practical guidance and annexed international instruments.

This Trainer's Guide (component two of the package) provides session outlines on a full range of human rights topics, group exercises, instructions and tips for trainers, and a number of training tools, such as overhead transparencies, to be used in concert with the Manual in conducting police training courses.

The Pocket Book of standards (component three of the package) is designed to be a readily accessible and portable reference for law enforcement officers. It contains hundreds of point-form standards, organized according to police duties, functions and topics.

Users interested in obtaining copies of the Manual and the Pocket Book or further copies of this Trainer's Guide should contact the Office of the United Nations High Commissioner for Human Rights.

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Statement of Objectives

This Guide, the corresponding Manual and Pocket Book, the approach contained therein and the courses offered in accordance with that approach are intended:

- (a) To provide information on international human rights standards relevant to the work of police;
- (b) To encourage the development of skills and the formulation and application of policies needed to transform that information into practical behaviour;
- (c) To sensitize participants to their special role in protecting and promoting human rights and to their potential for affecting human rights in their daily work;
- (d) To reinforce law enforcement officials' respect for, and faith in, human dignity and fundamental human rights;
- (e) To encourage and reinforce an ethos of legality and of compliance with international human rights standards within law enforcement agencies;
- (f) To assist law enforcement agencies and individual law enforcement officials in providing effective policing through compliance with international human rights standards;
- (g) To equip police educators and trainers to provide human rights education and training for law enforcement officials.

The intended principal beneficiaries are:

- (a) Police trainers and training institutions; and
- (b) National police officials, whether civilian or military.

PART ONE

METHODOLOGY

1. *Effective approaches to human rights training for police*

A. Collegial presentations

For the selection of resource persons, the Office of the United Nations High Commissioner for Human Rights advises drawing from a list of experts that is practical in orientation. Rather than assembling panels composed entirely of professors and theorists, it is best to opt for practitioners in the relevant field. In the experience of the Office, much more can be accomplished through the collegial approach of police discussing with police than can be achieved by a professor-student model of training. This approach allows the trainer to access the distinctive professional culture that surrounds law enforcement personnel. At the same time, few police officers are also experts in human rights. Practitioners/trainers should therefore be accompanied and directed by experts in human rights to ensure that the substance of international standards is fully and consistently reflected in the course content. Such experts can be drawn from relevant intergovernmental organizations, such as the Office of the United Nations High Commissioner for Human Rights, or from non-governmental human rights organizations.

B. Training the trainers

National participants in these courses should be selected on the understanding that their responsibilities will continue after completion of the training exercise. Each should be charged with conducting his/her own training or dissemination efforts after returning to the normal duty station. In this way, the impact of such courses is multiplied several-fold, as the information imparted is disseminated throughout the institutions concerned. Accordingly, the courses include capacity-building components, such as lessons and materials designed to impart training skills to participants, in addition to the substantive content of the courses. For maximum effect, course organizers should aim for the same capacity-building approach.

C. Interactive techniques

The courses developed by the Office and described in these materials include a section designed to introduce a variety of effective techniques for the training of adult audiences. In particular, suggestions are made for the use of creative, interactive teaching methods, which offer the best hope of securing the active and committed involvement of programme participants. The Office has identified the following techniques as

especially appropriate and effective in human rights training for adults: working groups, lecture-discussions, case studies, panel discussions, round-table discussions, brainstorming, simulation and role-playing, field trips, practica (including the drafting of course curricula, standing orders, codes of conduct, reports, etc.) and visual aids. Pointers on the use of such techniques are provided below.

D. Audience specificity

The Office has learned that the mere recitation of vague principles of general applicability offers little hope of affecting the actual behaviour of a given audience. To be effective, indeed at all worthwhile, training and education efforts must be directly targeted at, and appropriately addressed to, a particular audience such as the police. Accordingly, the content of these teaching materials focuses more on standards directly relevant to the daily work of the police and less on the history or structure of United Nations machinery.

E. Practical approach

According to the report of a recent parliamentary commission investigating violations at a country's police stations, the police said, when confronted with evidence of abuse:

“that they lacked understanding about interrogation methods and techniques, that they carried out interrogations by outdated methods, and that they did not know how interrogations were carried out in democratic and developed countries. In order to compare their methods and improve them, they wanted to have the chance to do research and make observations on interrogation methods in democratic countries”.

Such quotations reveal two important areas of focus for police audiences. First, offering justifications of any kind for serious violations such as torture demonstrates a lack of familiarity with the most fundamental human rights standards in the administration of justice. There are no justifications for such activities. Second, the police, and other professional groups in the real world, want to know not just what the rules are but also how to do their job effectively within the confines of those rules. Training efforts that ignore either of these areas are likely to be neither credible nor effective. Accordingly, trainers and course designers must include practical information on proven techniques for the performance of the target audience's duties derived from the recommendations of experts and literature on the current best practice for the profession in question. [Note: While practical recommendations are a key

component of courses based on this approach, it is not possible to provide detailed training in technical professional skills in a human rights course. Instead, the existence of such techniques should be highlighted and targeted for further training as a follow-up to human rights training.]

F. Comprehensive presentation of standards

These courses are intended to be thorough in their presentation of the relevant international standards. To this end, relevant instruments and simplified learning tools should be translated and distributed to participants. In every case, one or more persons specialized in human rights should be involved to control the substantive content of the courses and workshops, and to supplement course presentations as required.

G. Teaching to sensitize

The goals of courses developed by the Office are not limited to the imparting of standards and practical skills, but also include exercises designed to sensitize trainees to their own potential, however unwitting, for violative behaviour. For example, well developed exercises (including role plays) which can have the effect of making trainees aware of notions of gender or racial bias in their own attitudes or behaviour can be quite valuable. Similarly, the importance of particular standards applicable (for example) to women are not always readily obvious. Trainees should be made to understand that, for example, the term “degrading treatment” found in the various international instruments may imply different activities and thresholds when applied to women and men, or to one cultural group and another.

H. Flexibility of design and application

To be universally useful, training courses must be designed in such a way as to facilitate their flexible use without imposing a single rigid focus or approach on trainers. Such courses must be adaptable to the particular cultural, educational, regional and experiential needs and realities of a diverse range of potential audiences within the target group. Accordingly, course materials are not intended to be “read” verbatim to trainees. Rather, trainers should select relevant material and create their own targeted presentation notes and materials based on the content of prepared materials and realities on the ground. For these reasons, training materials are constructed in self-contained modules, allowing appropriate selection and tailoring to meet particular needs and objectives.

I. Competency-based

The Office’s training courses are intended to result in greater competence in the relevant field. Unlike briefings and seminars, training courses are designed around learning objectives, and all trainees are

required to demonstrate competence throughout the course during assigned exercises, and to undergo testing (in the form of a written examination) on completion of the course.

J. Evaluation tools

Training courses include pre- and post-training evaluative exercises, such as testing questionnaires, which serve three crucial purposes. Pre-course questionnaires, when properly used, allow trainers to tailor their course to the particular educational needs of the audience. Post-course questionnaires and evaluation sessions both allow trainees to gauge what they have learned and assist in the continuous (crucial) modification and improvement of courses offered through these materials.

K. The role of self-esteem

The importance of recognition of the self-esteem of adult trainees cannot be overemphasized. Police bring to the classroom a rich pool of expertise, professional knowledge and practical experience, all of which must be tapped for the benefit of the course. The extent to which the trainer acknowledges this, and draws from it, will largely determine the trainee’s reaction to the training exercise. Obviously, participants will not respond well to instruction that is seen to “spoon-feed” them, and neither a “schoolteacher” nor a “military commander” approach will be well received. Instead, trainers should seek to create a collegial atmosphere that facilitates exchanges of expertise and experience, recognizes professional knowledge among trainees and encourages professional pride. The goal here is to send the message that knowledge of human rights is a key element of professionalism in modern law enforcement and that, as professionals themselves, police trainees have both much to gain and much to contribute in this area.

2. Learning objectives

The objectives of the trainer must be designed to facilitate satisfaction of the needs of the trainee. Three key learning objectives form the basis of this programme. They mirror the following three educational needs of participants in police training programmes:

To receive information and develop knowledge – on what human rights and humanitarian standards are and what they mean.

To acquire or reinforce skills – so that the functions and duties of the target professional audience can be fulfilled effectively with due respect for human rights. A mere knowledge of standards is not enough to enable trainees to translate these rules into appropriate professional behaviour. The acquisition of skills should be viewed as a process, since skills are fine-tuned through practice and application. This process

may therefore need to be continued in the light of training needs identified in specific areas of the audience's work, for example through United Nations technical assistance programmes or bilateral technical cooperation programmes.

To become sensitized, i.e. to undergo a change in negative attitudes or a reinforcement of positive attitudes and hence behaviour – so that the audience accepts, or continues to accept, the need to protect and promote human rights, and actually does so in the course of its professional duties. The subjects here are police values. This too is a long-term process reinforced by further more technical training.

Thus, effective training will aim to improve:

knowledge

+ **skills**

+ **attitudes**

To contribute to : **appropriate behaviour**

3. *Tailoring courses*

When arranging training programmes, the principles of audience specificity and relevance require organizers to follow a few basic rules of thumb:

1. Whenever possible, **separate training programmes** should be arranged for different categories within the profession concerned, according to rank, education and function. This allows training to focus on:

- Strategy and policy-making aspects for senior command and managerial personnel;
- Pedagogical aspects for educators and trainers of police;
- Operational aspects for police not within the above categories;
- Aspects of particular relevance to professionals with specific functions, such as juvenile specialists, border police, CIVPOL officers, detention supervisors and so on;
- Basic training in only the most fundamental standards, delivered in point form, for lower-level ranks.

2. The largely **practical and pragmatic orientation** of police audiences should be reflected in the education and training methods adopted. This means:

- Creating the opportunity to translate ideas and concepts into practice;
- Enabling participants to focus on real problems of their profession; and

- Responding to issues of immediate concern to participants raised by them during the programme.

4. *The participatory method*

For maximum effect, a few basic principles should be kept in mind in applying the participatory training method described above.

Recall the eleven elements of the Office's approach to training, as detailed above:

- (a) Collegial presentations;
- (b) Training the trainers;
- (c) Interactive pedagogical techniques;
- (d) Audience specificity;
- (e) A practical approach;
- (f) Comprehensive presentation of standards;
- (g) Teaching to sensitize;
- (h) Flexibility of design and application;
- (i) Competency-based;
- (j) The use of evaluation tools; and
- (k) The role of self-esteem.

This method requires an approach that is interactive, flexible, relevant and varied, as described below:

Interactive – As indicated in the approach to training set out above, this programme implies the use of a participatory, interactive training methodology. Adult training audiences most readily absorb course curricula when they are not “spoon-fed” the material. Rather, for effective training, the trainees should be fully involved in the process. The trainees, as practitioners, will bring to the course a rich pool of experience, which must be actively drawn upon in any interesting and effective course.

Flexible – Furthermore, and contrary to certain myths associated with adult training, it is not advisable to adopt a “military commander” approach in an attempt to force or order trainees to participate. The result of such techniques is, more often than not, the sowing of resentment among trainees and, consequently, the closing-off of effective avenues of communication between trainer and trainee. While a certain level of control should be maintained by the trainer, the first rule should be flexibility. Questions, even challenges, should be welcomed from the audience and should be addressed by trainers in a positive and forthright manner. Similarly, excessively rigid time-keeping can leave participants frustrated and resentful.

Relevant – The trainee’s unspoken question throughout the course will be: “What does this have to do with my daily work?” The extent to which the trainer continuously answers this question will be an important measure of his or her success. Every effort must therefore be made to ensure that all material presented is relevant to the work of the audience and that such relevance is made clear where not self-evident. This task may be easier when addressing operational themes such as arrest. It may require more careful planning, however, for more topical themes such as the protection of vulnerable groups.

Varied – To secure and retain the active engagement of participants, it is best to vary the teaching techniques used throughout the course. Most adults are not accustomed to long classroom sessions, and a tedious and monotonous routine will ultimately leave them more conscious of the classroom than they are of the subject matter. Use a varied selection of techniques, alternating discussions with role plays, and case studies with brainstorming, as appropriate to the subject matter.

Broadly, this means that the following methods and approaches should be adopted:

Presentation of standards – a short presentation on human rights standards relating to a given aspect of police work and on how such standards may be effectively applied by the audience.

Application of participatory techniques – to enable participants to use their knowledge and experience to translate ideas and concepts expressed in the presentation into practice, and to enable participants to consider the practical implications of human rights standards for their day-to-day work.

Focus and flexibility - to enable participants to focus on matters of real and current concern; and to enable educators and trainers to adapt their approach to participants’ needs as the course progresses.

5. *Participatory techniques*

A. **Presentation and discussion**

Following a presentation (as described above), an informal discussion is useful to clarify points and to facilitate the process of translating ideas into practice. Such discussions are conducted or chaired by the presenter who should try to involve all participants. It is useful for presenters to have a prepared series of questions available to initiate the discussion.

At the conclusion of the presentation and discussion, the presenter should provide an overview or summary. Presenters should supplement the lecture portion

with the use of pre-prepared visual aids or study materials distributed in advance to all participants.

B. **Panel discussions**

The establishment of a panel of presenters or experts, possibly following a presentation by one or more of them, has frequently been shown to be a useful training device. Such an approach is particularly effective when presenters have expertise in different aspects of a topic because of their professional backgrounds or countries of origin. Ideally, human rights experts should be included together with experts in the relevant professional field.

One presenter should act as facilitator to enable the widest possible participation, to ensure that participants’ needs are met and to provide an overview or summary at the conclusion of the discussion. This method should include direct exchanges among panel members and between the panel and the audience.

C. **Working groups**

These are created by dividing a course into a number of small groups of around 5 or 6 participants. Each group is given a topic to discuss, a problem to solve or something concrete to produce within a short time period – up to 50 minutes. A facilitator may, where necessary, be assigned to each group. The course is then reconvened and the results of the deliberations of each group presented to the full course by a spokesperson for the group. The participants in the course can then discuss the topic and the response of each presenting group.

D. **Case studies**

In addition to dealing with discussion topics, working groups can consider case studies. These should be based on credible and realistic scenarios which are not too complex and which focus on two or three main issues. Case studies should require participants to exercise their professional skills when responding to them and to apply human rights standards. The scenario for a study can be presented to participants for consideration by them in its entirety, or “fed” to them sequentially as a developing situation (the “evolving hypothetical” case study) to which they have to respond.

E. **Problem-solving/brainstorming**

These sessions can be conducted as intensive exercises to seek solutions to problems that are both theoretical and practical. They require a problem to be analysed and then solutions to be developed. Brainstorming encourages and requires a high degree of participation and it stimulates those involved to maximum creativity.

Following presentation of the problem, all ideas in response to it are recorded on a board or flip chart. All responses are recorded, no explanations are required and no interventions are judged or rejected at this stage. The presenter then categorizes and analyses the responses – at which point some are combined, adapted or rejected. Finally, the group makes recommendations and takes decisions on the problem. The learning or sensitization process occurs as a result of the group discussion around each suggestion.

F. Simulation/role play

These exercises require participants to perform a task or tasks in a realistic situation simulating “real life”. Simulation or role play exercises may be used to practise a skill or to enable participants to experience hitherto unfamiliar situations.

A written account of a factual situation is distributed in advance and each participant is allocated a role (the police officer, the victim, the witness, the judge, etc.). During the exercise, no one is allowed to depart from his or her assigned role for any reason. This technique is particularly valuable for sensitizing participants to the feelings and perspectives of other groups and to the importance of certain issues.

G. Field trips

Group visits to relevant institutions or places (a police station, a refugee camp, a detention centre, etc.) can provide valuable perspective. The purpose of the visit should be explained in advance, and participants should be instructed to pay critical attention and to record their observations for a subsequent discussion.

H. Practica (the practical exercise)

This involves the assignment of trainees to apply and demonstrate professional skills in a supervised exercise. Police may be required to draft human rights standing orders on a particular aspect of police work. Trainers may be assigned to draft a lesson plan or to deliver a session in the course itself. Monitors may be required to draft a situation report, paralegals an affidavit and so on.

I. Round-table discussions

Round-table discussions, like panel discussions, necessitate the assembling of a diverse group of resource persons, with representation from a variety of perspectives on the subject to be addressed. An animated discussion is the goal here, and the crucial element is a strong and dynamic moderator, skilled in the subject matter, in the technique of “devil’s advocate” and in the use of hypotheticals. The moderator should be intentionally provocative, stimulating debate between and among the various panellists and the

audience, and should control the course of the discussion.

J. Visual aids

Adult learning can be enhanced by the use of blackboards, overhead transparencies (OHTs), posters, displayed objects, flip charts, photographs, slides, videos and films. As a general rule, information produced on transparencies and charts should be brief and concise, and in outline or list form. If more text is required, use hand-outs.

6. Locations for training courses

Ideally, the following conditions should be met in respect of the location for a training course:

- Courses should be held in a location away from the normal place of work of the participants;
- The room used for a course should be of sufficient size for the number of people it is intended to accommodate;
- There should be a sufficient number of small ancillary rooms available to accommodate working groups so that participants may focus without interruption on their assigned topics; and
- Seating facilities should be comfortable and flexible, allowing chairs, desks and tables to be moved around to accommodate various training techniques. There should also be room for writing.

7. Planning for participant needs

The level of physical comfort experienced by course participants will have a direct impact on the outcome of any learning exercise. Keep in mind, for purposes of planning, these few basic factors:

- It should be possible to regulate the temperature and ventilation of the room.
- Classrooms should never be filled beyond a comfortable capacity.
- Toilets should be easily accessible.
- The daily programme should include a 15-minute coffee/rest break at mid-morning, a lunch break of at least one hour and a 15-minute coffee/rest break at mid-afternoon.
- Allow participants to stand and stretch occasionally between scheduled breaks. Two to three minutes is sufficient, at appropriate intervals, perhaps twice a day.
- Where possible, arrange for water, coffee or juice to be available in the classroom.

- Lunch breaks should be scheduled within the time period to which participants are accustomed. This will vary from region to region and from workplace to workplace.

8. *Selection of trainers*

It is important that the selection of individuals to make presentations and to provide other input for human rights training courses should be based on the following criteria:

- Expertise in the subject matter;
- Ability to adapt to the methodology of the training programme – especially its interactive aspects; and
- Credibility and reputation – especially among practitioners from the relevant field who are to participate in the programme.

Ideally, a panel of trainers should be primarily composed of practitioners from the relevant professional field (policing), accompanied by at least two experts in the field of human rights.

9. *Briefing trainers*

It is important that trainers are adequately briefed on the following matters:

- Basic historical, geographical, demographic, political, economic, cultural and social information on the country in which the programme is to be introduced;
- Basic information on the constitutional and legal arrangements of that country;
- Human rights and humanitarian law treaties to which the State is a party;
- Organizational aspects of the professional group to be trained;
- Categories and numbers of trainees participating in the programme;
- How particular issues of current concern relate to the professional audience in the country in which the programme is to be introduced.

10. *Instructions for trainers*

A. **What are the objectives of the courses?**

- To provide information on international human rights standards relevant to the work of the target audience;
- To encourage the development of skills and the formulation and application of policies needed to

transform that information into practical behaviour;

- To sensitize participants to their role in protecting and promoting human rights and their potential for affecting human rights in their daily work.

B. **What methodology is used for the courses?**

A typical course session consists of a brief presentation by two team members, followed by the application of a participatory training method. Plenary discussions are open to all and are led by the resource person delivering the session. All members of the training team are expected to contribute to all session discussions, as necessary.

C. **What is expected from me with regard to the courses?**

Before the course:

- Study the materials sent to you in advance, giving particular attention to the sessions to which you are formally assigned.
- Prepare very brief lecture notes, keeping in mind the time limitations set out in the course programme.
- Think about what practical recommendations you might make to the trainees, based on your professional experience, to assist them in implementing the relevant human rights standards in their daily work.
- Attend a pre-course briefing on the day prior to the opening of the course.

During the course:

- Participate in daily pre-course and post-course briefings with the rest of the team.
- Attend and participate in all course sessions.
- Meet with your session co-presenter the day before each scheduled presentation to prepare your presentations jointly.
- Adhering to specified time limits, deliver brief presentations based on the materials for the topics assigned to you as a session presenter.
- Make practical recommendations based on your professional experience during discussion and working group periods, also during sessions for which you are not the session presenter.
- Use concrete examples. Save newspaper clippings and excerpts from reports to provide cases to illustrate your points. You can also select a hypothetical exercise from the materials, or develop one of your own, for each session you are to present or for use in working groups.

- Use visual aids (an overhead projector and a blackboard/whiteboard/flip chart should be available) whenever possible.
- Ensure that any comments or recommendations made are consistent with the international standards set out in the materials.
- Encourage active group participation and discussion.
- Provide advice and comments on the training materials used for the courses.
- Attend all opening and closing ceremonies and ancillary programme events.

After the course:

- Participate in a final debriefing session with the rest of the team.
- Review and revise your materials, based on the experience.
- Have a safe trip home.

11. *Preparing your lesson plan and your visual aids*

Lesson plans and visual aids (overhead transparencies, flip charts, etc.) can be readily developed from the session outlines contained in Part Three of this Trainer's Guide and the text of the international standards referred to under the "Sources" section of each session outline.

The following six steps are recommended:

1. Identify the target group and the knowledge/attitude objectives for your presentation

Before you begin to compile your material, assess the target audience, including their strengths and weaknesses in terms of what they are likely to know about the issue and how they are likely to feel about it. Consider what behavioural and attitude changes must take place to ensure respect for the human rights standards that you will present.

2. Identify and compile from the Trainer's Guide the relevant standards and the relevant practice

Now you begin to collect the main points that you will present from one of the session outlines contained in Part Three. From the "Sources" and "Standards" sections of the outline, identify the main international standards you will refer to. If the International Covenant on Civil and Political Rights is in force in the jurisdiction, refer to it rather than to the Universal Declaration, as the Covenant is legally binding and may be invoked in courts depending on the jurisdic-

tion. Emphasize the human rights treaties whenever they are in force. Where they are not, it will be appropriate to emphasize the Universal Declaration on Human Rights. Be familiar with the human rights guarantees contained in the Constitution and refer to them whenever possible. Always speak from the strongest legal basis first and foremost, referring to constitutional guarantees and then to legally binding human rights treaties when they are in force. Thereafter, refer to declarations, bodies of principles and other sources as appropriate.

Having identified the main standards covering the essential points for the topic, select additional standards that may be necessary or useful for the target audience. In doing so, take into account the knowledge and attitude objectives that you identified in step one above. Make sure that you emphasize in your presentation what the audience must know and should know. Distinguish that from what they could know or from what it is merely nice to know.

Now refer to the "Practice" section of the session outline and select the main speaking points for the presentation. A summary of these points in bullet form should form the major portion of the text in the visual aids.

3. Identify by name relevant legal instruments and simplify essential parts (such as definitions)

Refer to the instruments by their full name throughout your presentation, especially international treaties that are in force. Wherever possible, summarize the main points of the instrument in bullet form in your visual aids.

Be sure to refer to useful definitions contained in the instruments where this seems necessary, such as the definition of torture in the Convention against Torture, the definition of racial discrimination in the International Convention on the Elimination of All Forms of Racial Discrimination, the definition of violence against women in the Declaration on the Elimination of Violence against Women, etc. The definitions contained in treaties should be referred to even if the treaty is not in force in the jurisdiction, as these are still the operative definitions in international law.

The selection of definitions and the points to be highlighted in the presentation depend in part on your assessment of the knowledge and attitude objectives for the target audience. Do not overwhelm the audience with excessive detail or the names of several instruments when just a few will do.

4. Illustrate points with relevant examples and actual cases

Try to illustrate your main points with concrete examples and cases. You should keep and build a file

of newspaper clippings, excerpts from reports, etc. for this purpose.

5. Make practical recommendations

Remember that the audience needs to know how the standards are supposed to be applied in their everyday work as well as in situations they may some day encounter themselves. Develop recommendations based on the points contained in the “Practice” section of the session outline but elaborated and highlighted to take into account the needs of the audience and conditions prevailing in the jurisdiction.

6. Address attitudes as well as knowledge (what is important, why it is important for the audience and how they can use that knowledge for their betterment)

Having exposed the audience to the relevant standards and practice, you must explain how and why present attitudes and behaviour must change. Emphasize why it is important for, and in the interest of, the target audience to respect the standards and follow the practice.

12. Tips for making presentations

A few basic pointers to keep in mind:

- (a) Make eye contact with participants.
- (b) Encourage questions and discussion.
- (c) Do not read from your notes – be conversational and natural, speaking in a forceful and animated voice. No matter how interesting the material, a monotone presentation, or one that cannot be heard, will dash any hopes for an engaged audience.
- (d) Watch the time – test your presentation against a clock beforehand, and keep a clock or watch in view during the actual presentation.
- (e) Move around – do not present from your chair. When responding to a question, approach the person who asked it. If someone seems inattentive, approach and speak directly to the person concerned.
- (f) Use visual aids. Transparencies and charts should be simple, in point form, and should not contain too much information. If you must include detailed information to reinforce presentations, do it on a hand-out and review the basic points of the hand-out with the trainees. Provide participants with copies of visual aids for later study and review. Lastly, speak to the participants, not to the board or chart.
- (g) Do not criticize – correct, explain and encourage.

- (h) Prepare well in advance of presentation – know your subject.
- (i) Allow participants to use their written materials – for example, make them look up standards in the *Compilation of International Instruments* and have them read them out to the class (this teaches them how to find the rules by themselves when the course is finished and they have returned to their duty stations). Materials that are not opened during the course will probably never be opened. By the end of a course, each participant’s copy of the *Compilation* should show clear signs of wear, with folded pages, bent bindings and marked text.
- (j) Be honest.
- (k) Facilitate participation by individuals who tend not to speak up. Draw them out with direct questions and then acknowledge the value of their comments. Pay particular attention to ensuring equal participation by women and members of minority groups, who may be accustomed to discrimination in their professional setting. A discussion dominated by males, or by the dominant group in the society or professional group, will be less satisfactory for women and members of minority groups and cannot succeed in convincing (by example) other members of the audience of the importance of non-discrimination in their own work.
- (l) Do not let discriminatory, intolerant, racist or sexist remarks pass without comment. Address them as you would any other issue encountered during the discussion – calmly, tactfully, directly, and substantively. Point out the relevant standards, explain why they are important for the effective, legal and humane performance of the target group’s work, and the role they play in fostering professionalism within that group. Be prepared in advance to counter myths and stereotypes with facts. Remember that the goals of the trainer include the improvement of knowledge, skills and attitudes, and that the latter, albeit the most difficult, is often also the most important.
- (m) Structure your presentation. The old basics are best in this regard – every presentation should have an introduction, a body, a conclusion and a summation of major points.
- (n) If you are confronted with a question to which you are not prepared to respond, refer to one of the other presenters, to the audience or to the materials (having participants look it up), or, alternatively, offer to provide the answer later (and be sure to follow up as promised).

- (o) Use repetition. People forget. Use repetition. People forget.
- (p) Like it or not, appearance counts. A trainer must project a professional image. Obviously, it is not appropriate for the trainer to present in a t-shirt, while the audience is in uniform. As a rule of thumb, the dress standard of the trainer should not fall below the standard of the audience, and should respect cultural and social rules of the target audience.
- (q) Prepare in advance. Follow these basic steps in preparing your session:
 - Refer to the session outline in this Guide and to the corresponding chapter in the Manual;
 - Note the time available for the session;
 - Prioritize the subject matter – be sure to cover the most important (“must know”) points;
 - Draft your speaking points (introduction, body, conclusion, summation of major points);
 - Select the exercise and questions to be used;
 - Select the visual aids (hand-outs, OHTs, etc.);
 - Practise the session, keeping time, until you can deliver it naturally and confidently, and within the time limitations.

13. *Some key terminology*

Briefing: A brief, cursory, and introductory overview of a single topic. The purpose is to introduce the audience to some basic concepts relating to a given subject.

Seminar: An organized exchange of views, ideas and knowledge on a particular topic or set of related topics. The purpose is to bring together various persons, usually (relatively) equal in terms of expertise, each of whom is to contribute to an examination of the subject from his or her own professional, ideological, academic or official position.

Workshop: A training exercise whereby participants work together to study a particular subject, and in the process create some “product” such as a declaration, joint paper, plan of action, set of rules, written policy, code of conduct, etc. The purpose is thus twofold, including both learning and development of the “product”.

Training course: An organized training exercise, designed to allow “trainers” to impart knowledge and skills and to impact on the attitudes of “trainees” or “participants”. These may either be interactive (as in the Office approach described above), follow a “professor-student” lecture model or be a combination of both. In each case, training courses represent

the most intensive degree of learning. The purpose is to improve knowledge, skills and attitudes.

14. *Adapting courses for use in challenging field conditions*

The Office of the High Commissioner for Human Rights has conducted courses and workshops under widely varying field conditions. Training has been carried out in countries across Africa, Asia, the Middle East, Latin America and Europe. Available facilities have varied in terms of physical conditions, infrastructure and technology, so that while one course may have been conducted in a state-of-the-art, climate-controlled and electronically equipped modern conference centre, another may have been set on the roof of a supply building and yet another in an open field.

Persons organizing training based on the approach set out in this Guide must therefore take into account the setting in which the training will be offered when selecting appropriate methodology and materials, determining numbers of trainees and drafting programmes. For example, the duration of sessions will be affected by temperature and weather in the case of outdoor courses or courses for which fans, heaters or other appropriate climate control devices are not available. Where temperature is a factor, the hours of courses will also be affected. Similarly, flip charts and hand-outs must be used where electric facilities are not available for overhead transparency or slide projection.

If interpretation is to be employed, lack of facilities for simultaneous interpretation will require the use of consecutive interpretation, which in turn will cut the available time for course sessions in half. A lack of desks or tables will mean that more printed materials will be required for distribution, as note-taking may be impractical. Finally, if you are forced to hold training sessions in the workplace of the target audience owing to a lack of alternative facilities, organizers should plan for additional time, as conflicting duties will almost invariably be imposed on some of the participants.

These are only a few of the eventualities to be taken into consideration during the planning of courses in the field. Courses will rarely be conducted in ideal training conditions, and it is the duty of the course organizers to plan in advance for all factors with a potential impact on the objectives of the course. Course organizers already in the field will have an advantage in this regard, as they will be able to visit potential training sites in order to select the most appropriate. Where this is not possible, advance contact with people in the field is imperative, and this should continue throughout the planning process. In sum, effective planning requires answers not only to questions such as “Who is the audience?” and “What are their training needs?” but also “When is the rainy season?” “What is the security situation?” and, unavoidably, “Where are the toilets?”

PART TWO

INTRODUCTION TO HUMAN RIGHTS

1. *What do we mean by “human rights”?*

Human rights are universal legal guarantees protecting individuals and groups against actions by Governments that interfere with fundamental freedoms and human dignity. Human rights law obliges Governments to do some things and prevents them from doing others. The following are some of the most frequently cited characteristics of human rights:

- *Internationally guaranteed*
- *Legally protected*
- *Focus on the dignity of the human being*
- *Protect individuals and groups*
- *Oblige States and State actors*
- *Cannot be waived or taken away*
- *Equal and interdependent*
- *Universal*

2. *Examples of human rights*

Human rights are described in the Universal Declaration of Human Rights and in the various treaties (also called “covenants” and “conventions”), declarations, guidelines and bodies of principles elaborated by the United Nations and by regional organizations. They include a broad range of guarantees, addressing virtually every aspect of human life and human interaction. The rights guaranteed to all human beings include:

- *Freedom of association, expression, assembly and movement;*
- *Right to life;*
- *Freedom from torture and cruel, inhuman or degrading treatment or punishment;*
- *Freedom from arbitrary arrest or detention;*
- *Right to a fair trial;*
- *Freedom from discrimination;*
- *Right to equal protection of the law;*
- *Freedom from arbitrary interference with privacy, family, home or correspondence;*
- *Right to asylum;*
- *Right to nationality;*
- *Freedom of thought, conscience and religion;*

- *Right to vote and to take part in government;*
- *Right to just and favourable working conditions;*
- *Right to adequate food, shelter, clothing and social security;*
- *Right to health;*
- *Right to education;*
- *Right to participate in cultural life.*

3. *Where do human rights “rules” come from?*

Human rights norms and standards are derived from two principal types of international source, “customary international law” and “treaty law”.

Customary international law (or simply “custom”) is international law that develops through the general and consistent practice of States and is followed because of a sense of legal obligation. In other words, if States perform in a certain way over a period of time because they all believe that they are required to do so, that behaviour comes to be recognized as a principle of international law, binding on States, even if it is not laid down in a particular agreement. Thus, while the Universal Declaration of Human Rights is not in itself a binding treaty, provisions of the Declaration have been identified as having the character of customary international law and States are therefore bound to respect them.

Treaty law includes the law of human rights as set out in the many international agreements (treaties, covenants, conventions) that have been collectively (either bilaterally or multilaterally) developed, signed and ratified by States. Some of these treaties cover whole sets of rights (such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights), while others focus on particular types of violations (such as the Convention against Torture, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Prevention and Punishment of the Crime of Genocide) or on particular groups to be protected (such as the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Convention relating to the Status of Refugees). Another type focuses on particular situations, such as armed con-

flict (including the four Geneva Conventions of 1949 and the two Protocols additional to the Conventions). All of these instruments are fully legally binding on States that are party to them.

4. *Who makes the rules?*

The international legal system, as outlined in the Charter of the United Nations, is built around a community of States. The law governing that system is therefore law for, by and about States. It is the States themselves who make the rules, through the development of custom, the development of treaties and the development of international declarations, guidelines and bodies of principles. States agree on the content of these sources and agree to be bound by them. In the case of human rights, while it is individuals and groups who are protected, it is the conduct of States (and State actors) that is regulated.

5. *Where are the rules made?*

Human rights standards are developed and codified in various international forums through a process whereby representatives of States members of those forums meet, usually repeatedly over a period of years, to work out the form and content of international human rights instruments, article by article and line by line. In United Nations forums, all States are invited to attend and participate in the drafting so as to ensure that the final document reflects the views and experience of all regions of the world and all major legal systems. Whether for a binding treaty or for an authoritative declaration, every proposal is closely scrutinized and debated until a final text is agreed on. Even then, in the case of treaties, a State is not bound by the instrument until it has signed and ratified (or acceded to) it. Instruments of universal application are drafted and adopted in United Nations bodies, especially the General Assembly, the Economic and Social Council, the Commission on Human Rights and the periodic United Nations Congresses on the prevention of crime. Additionally, expert studies on various human problems, which may lead to the development of new human rights standards, are undertaken each year by the United Nations Sub-Commission on the Promotion and Protection of Human Rights. Lastly, a number of important regional human rights instruments have been developed by the major regional organizations, which are the Council of Europe, the Organization of American States and the Organization of African Unity.

Selected principal United Nations bodies relevant to law enforcement
General Assembly
Economic and Social Council
Commission on Human Rights
Sub-Commission on the Promotion and Protection of Human Rights
Periodic Congresses on the Prevention of Crime and the Treatment of Offenders

6. *Who monitors human rights?*

Of course, merely listing a set of rules is not enough to ensure their application. Accordingly, the implementation of human rights standards is closely watched at several levels. At the national level, human rights are monitored by:

- *Concerned government agencies and services, including the police;*
- *National human rights institutions (such as a human rights commission or an ombudsman);*
- *Human rights and other non-governmental organizations (NGOs);*
- *The courts;*
- *Parliament;*
- *The media;*
- *Professional organizations (such as lawyers, doctors, etc.);*
- *Trade unions;*
- *Religious organizations; and*
- *University centres.*

At a second level, regional organizations have developed mechanisms to monitor human rights within the relevant countries. Such mechanisms include the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, the African Commission on Human and Peoples' Rights, the European Commission of Human Rights, the European Court of Human Rights and the Committee of Ministers of the Council of Europe. At the international (global) level, human rights are monitored by a number of international NGOs and by the United Nations.

Within the United Nations, four principal types of monitoring are carried out. The first is "conventional"

(or treaty-based) monitoring. The second is “extra-conventional” (or charter-based) monitoring. The third is monitoring through peacekeeping and human rights field operations. The fourth, and most recent, is monitoring by the United Nations High Commissioner for Human Rights under his or her global mandate to promote and protect human rights. Each of these is discussed in detail in the chapter of the Manual on “sources, systems and standards for human rights”.

Selected conventional (treaty-based) bodies	
Human rights treaty	Corresponding treaty body
International Covenant on Economic, Social and Cultural Rights	Committee on Economic, Social and Cultural Rights (CESCR)
International Covenant on Civil and Political Rights	Human Rights Committee (HRC)
International Convention on the Elimination of All Forms of Racial Discrimination	Committee on the Elimination of Racial Discrimination (CERD)
Convention on the Elimination of All Forms of Discrimination against Women	Committee on the Elimination of Discrimination against Women (CEDAW)
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Committee against Torture (CAT)
Convention on the Rights of the Child	Committee on the Rights of the Child (CRC)

7. Which kinds of human rights violations should police be especially concerned about?

All kinds. Police are the first line of defence for human rights. They are the guardians of the law, including human rights law. The community depends on the police to protect the full range of rights through the effective enforcement of the country’s criminal laws. The following are some of the most serious human rights violations requiring police vigilance:

Genocide

Acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group. It includes:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions calculated to bring about its physical destruction in whole or on part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Torture

Any act committed with intent to cause severe pain or suffering, mental or physical, for the purpose of:

- (a) Obtaining information or a confession;
- (b) Punishing, intimidating or coercing.

Enforced or involuntary disappearance

Arrest, detention, abduction or other deprivation of liberty by the Government or its agents, or with their complicity, tolerance or acquiescence, where the fate or whereabouts of the victim is not disclosed or custody is not confirmed.

Extralegal, arbitrary or summary executions

Deprivation of life without full judicial and legal process, and with the involvement, complicity, tolerance or acquiescence of the Government or its agents. Includes death through the excessive use of force by police or security forces.

Arbitrary arrest and detention

Deprivation of liberty without lawful reason or due process by an act of the Government or its agents, or with their complicity, tolerance or acquiescence.

Racial discrimination

Any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which prevents or hinders anyone from exercising his or her human rights on an equal basis with others in all areas of public life.

8. *Don't human rights undermine law and order?*

The protection of human rights is fundamental to genuine and lasting law and order. The Universal Declaration of Human Rights recognizes that "it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law".

That message is as clear today as it was in 1948 when the Universal Declaration was adopted. Without the maintenance of the rule of law, violations of rights occur. And where serious and systematic human rights violations occur, disrespect for the law and public authorities grows and open conflict becomes more likely. Violating human rights cannot contribute to the maintenance of public order and security but can only undermine and destroy it.

It is important to recognize that there are internationally accepted limitations on the exercise of many human rights for the purpose of ensuring the requirements of maintaining public order in a democratic society. These limitations, where they exist, are specified in the texts of the various human rights treaties. In general, such limitations and restrictions are those which are determined by law and are necessary:

- To ensure respect for the rights and freedoms of others; and
- To meet the just requirements of morality, public order and general welfare in a democratic society.

It is therefore the duty of all citizens to respect the rights of others and to observe the lawful and necessary requirements of maintaining public order in a democratic society.

9. *Doesn't concern for human rights hinder effective police work?*

We have all heard the argument that respect for human rights is somehow opposed to effective law enforcement, that in order to enforce the law, to capture the criminal and to secure his or her conviction, it is necessary to "bend the rules" a little. We have all seen the tendency to use overwhelming force in controlling demonstrations, physical pressure to extract information from detainees or excessive force to secure an arrest. According to this way of thinking, law enforcement is a war against crime and human rights are merely obstacles thrown in the path of the police by lawyers and NGOs.

In fact, violations of human rights by police only make the already challenging task of law enforcement more difficult. When the law enforcer becomes the lawbreaker, the result is an assault on human dignity, on the law itself and on all institutions of public

authority. The effects of police human rights violations are manifold:

- They erode public confidence;
- They hamper effective prosecutions in court;
- They isolate the police from the community;
- They result in the guilty going free and the innocent being punished;
- They leave the victim of crime without justice for his or her suffering;
- They force police agencies to be reactive rather than preventive in their approach to crime;
- They bring agents and institutions of public authority into disrepute; and
- They exacerbate civil unrest.

10. *How can respecting human rights help the police?*

Respect for human rights by law enforcement agencies actually enhances their effectiveness. Where human rights are systematically respected, police officers have developed professionalism in their approaches to solving and preventing crime and maintaining public order. In this sense, respect for human rights by police is, in addition to being a moral, legal and ethical imperative, a practical requirement for law enforcement. When police are seen to respect, uphold and defend human rights:

- Public confidence is built and community cooperation fostered;
- Legal prosecutions are successful in court;
- Police are seen as part of the community, performing a valuable social function;
- The fair administration of justice and hence confidence in the system is served;
- An example is set for respect for the law by others in society;
- Police are able to be closer to the community and therefore in a position to prevent and solve crimes through proactive policing;
- Support is elicited from the media, from the international community and from higher authorities; and
- A contribution is made to the peaceful resolution of conflicts and complaints.

An effective police service is one that serves as the first line of defence in the protection of human rights. Its members carry out their work in a way that does not

rely on fear and raw power, but instead on regard for the law, honour and professionalism.

11. What role does training play in protecting human rights?

The effective training of police in human rights is an essential element in global efforts to promote and protect human rights in every country. In order to protect human rights, police must first know and understand them. Furthermore, police officers must be familiar with the various international guidelines and bodies of principles – such as the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms – and be able to use them as tools in their everyday work. They must understand

that international human rights standards concerning their work were developed to provide invaluable guidance for the performance of their crucial functions in a democratic society.

However, police officers in the line of duty want to know not just what the rules are, but also how to do their job effectively within the confines of those rules. Training efforts that fail to meet those concerns will probably be neither credible nor effective.

Throughout the training sessions it is important to emphasize that knowledge of human rights is an essential professional requirement for all personnel serving in modern law enforcement agencies. After all, the central purpose of policing is enforcement of the law and no law stands higher in authority than the law of human rights.

Selected international human rights instruments relevant to law enforcement
Universal Declaration of Human Rights
International Covenant on Civil and Political Rights
Code of Conduct for Law Enforcement Officials
Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power
Declaration on the Protection of All Persons from Enforced Disappearance
Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions
Guidelines on the Role of Prosecutors
United Nations Standard Minimum Rules for Non-custodial Measures
Declaration on the Elimination of Violence against Women
United Nations Standard Minimum Rules for the Administration of Juvenile Justice
United Nations Rules for the Protection of Juveniles Deprived of their Liberty

PART THREE

KEY TO SHORT TITLES

FOR HUMAN RIGHTS INSTRUMENTS

UDHR	Universal Declaration of Human Rights
ICCPR	International Covenant on Civil and Political Rights
Code of Conduct	United Nations Code of Conduct for Law Enforcement Officials
Principles on Force and Firearms	Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
SMRTP	Standard Minimum Rules for the Treatment of Prisoners
Principles on Detention or Imprisonment	Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
Beijing Rules	United Nations Standard Minimum Rules for the Administration of Juvenile Justice
Declaration on Enforced Disappearance	Declaration on the Protection of All Persons from Enforced Disappearance
Principles on Summary Execution	Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions
Torture Convention	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Victims Declaration	Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power
First Geneva Convention	Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field
Second Geneva Convention	Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea
Third Geneva Convention	Geneva Convention relative to the Treatment of Prisoners of War
Fourth Geneva Convention	Geneva Convention relative to the Protection of Civilian Persons in Time of War
Protocol I	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflict
Protocol II	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts
JDL Rules	United Nations Rules for the Protection of Juveniles Deprived of their Liberty

Declaration on Discrimination against Women	Declaration on the Elimination of Discrimination against Women
Declaration on Violence against Women	Declaration on the Elimination of Violence against Women
Refugee Convention	Convention relating to the Status of Refugees
Declaration on Non-Nationals	Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live
Tokyo Rules	United Nations Standard Minimum Rules for Non-custodial Measures

PART FOUR

SESSION OUTLINES FOR POLICE TRAINERS

Introduction

The session outlines focus on 16 key topics in human rights training for the police. Each topic is divided into six sections: the **objectives** for the topic; a listing of the international instruments that serve as sources for the topic; the main requirements of the **standards** contained in the sources, summarized and presented in bullet form; a section on **practice** containing practical steps to be taken to apply the relevant standards; questions aimed at stimulating discussion on the topic and facilitating a better understanding; and an **exercise** section which describes a hypothetical situation for consideration by a group.

For recommendations on how to use the session outlines to prepare lesson plans and visual aids, see Part One, section 11, of this Guide. Each topic can be covered in about three hours as follows, depending on the size of the audience:

- Presentation of the lesson plan (30-45 minutes);
- Questions and discussion from the floor (15 minutes);
- Splitting into groups and assignment of exercises or questions (60 minutes);
- Reporting back by the groups in plenary (15-30 minutes);
- Further discussion and conclusions (15 minutes).

In addition, a 15-minute break is recommended during this period.

Trainers are encouraged to adapt the material as far as possible to local conditions. This means that:

- References should be made to relevant constitutional guarantees or any bill of rights that is in force in the jurisdiction;
- Emphasis should be placed on the relevant provisions of the international human rights treaties in force;
- Suitable concrete examples and cases from the jurisdiction should be employed whenever possible; and
- The “Questions” and “Exercise” sections should ultimately be adapted to include examples and situations that are likely to arise in the jurisdiction.

The full text of all standards referred to in this Guide are provided in a second companion volume. All trainers should be familiar with the text and the full range of points covered in the instruments.

Session outline one: General principles

Objectives

Participants will be introduced to the overall existing United Nations framework for the protection of human rights in law enforcement;

They will be provided with an overview of the principal instruments, monitoring mechanisms and authoritative United Nations bodies relevant to the work of police;

They will be alerted to selected categories of human rights violations to which police should be specially sensitized;

They will be sensitized to the relationship between respect for human rights and effective law enforcement.

NOTE: This session should draw on the material presented in Part Two of this Guide entitled “Introduction to Human Rights”.

Sources

Charter of the United Nations (preamble, art. 1)

UDHR (art. 29)

ICCPR (art. 2(3))

Code of Conduct (art. 2)

Standards

International human rights law is binding on all States and their agents, including law enforcement officials.¹

Human rights are a legitimate subject for international law and international scrutiny.²

Law enforcement officials are obliged to know, and to apply, international standards for human rights.³

Practice

Adopt a comprehensive human rights policy for your organization.

Incorporate human rights standards in standing orders for the police.

Provide human rights training to all police, on recruitment and periodically.

Cooperate with national and international human rights organizations.

¹ International Covenant on Civil and Political Rights (hereinafter “ICCPR”, article 2(3).

² Charter of the United Nations (hereinafter “Charter”), preamble, article 1 and article 55(c).

³ ICCPR, article 2(3); Code of Conduct for Law Enforcement Officials (hereinafter “Code of Conduct”), article 2.

Questions

1. Why should law enforcement officials concern themselves with international standards?
2. To what extent does your domestic law incorporate international standards? Are there areas in which domestic law is stronger in its protection of human rights than the international standards? Are there areas in which it is less strong?
3. Can police violations of human rights make the work of law enforcement more difficult? How?
4. Why is the national police role so important for the protection of human rights?

Exercise

Case study: The Exland scenario

An evolving hypothetical situation

Exland is situated on the northeastern corner of the continent of Atlantis. A poor country which gained independence only in 1973, Exland has been torn by ethnic conflict ever since and a state of emergency has been continuously in effect. Roughly divided between two national ethnic groups, the Highlandians and the Vallians, the country has failed to reach a lasting political compromise during more than two decades of conflict. To make matters worse, political and historical alliances between the Highlandians and neighbouring Hillia, on the one hand, and between the Vallians and neighbouring Vallagia, on the other, have resulted in a continuous flow of arms into the country, occasional cross-border military and paramilitary activities, and threats by both neighbouring countries to become fully involved in the conflict. At the same time, there is a general breakdown of law and order, and the local police have neither the training nor the material resources to address the problem effectively.

After a series of massacres, and retaliatory atrocities in early 1996, the Secretary-General of the United Nations fielded a high-level mission to the country in an effort to assess the situation and to encourage a political settlement. The mission secured the agreement of the parties to the conflict and of the Governments of the neighbouring countries to hold formal talks in Geneva during the following month. The conference resulted in the signing by the parties of a Comprehensive Agreement on the Settlement of the Exland Conflict, with individual provisions for human rights, disarmament, elections and reconstruction of the country's physical, political and legal infrastructure. As part of the agreement, Exland also ratified all major human rights and humanitarian law treaties.

The Security Council, acting on the terms of the Agreement, authorized the establishment and deployment of UNSAME (United Nations Settlement Assistance Mission for Exland). UNSAME will be composed of a military component, a civilian police component, a civil affairs component, a human rights component, an electoral component and a disarmament component.

You are the commander of a United Nations Civilian Police (CIVPOL) unit assigned to UNSAME. As an experienced police official in your own country, you will be called upon to monitor the local police, to advise them and to train them in international human rights standards in law enforcement.

Assignment:

Sources, systems and standards for human rights and humanitarian law

You have just arrived in Exland as part of the first group of peacekeepers fielded under the agreements. You have been asked to serve, on behalf of CIVPOL, as a member of a joint United Nations/Exland commission charged with the drafting of standing orders on human rights for Exland National Law Enforcement Officials. On reviewing existing national police procedures in Exland, you discover that the national rules are significantly weaker than international standards require. The delegation from Exland argues that international standards are irrelevant, as Exland is a sovereign country and only national laws and regulations can be held to apply to its police. They further argue that Exland is faced with grave threats to national security and a near total breakdown in law and order. In that context, they insist, strong human rights safeguards will only serve to complicate the work of national law enforcement, rendering an already difficult job impossible. You must convince the Exland delegation that strengthening human rights protections in law enforcement practice is both an obligation and a positive step towards making law enforcement more – rather than less – effective, in practical terms.

Task: Prepare a list of arguments based on your own experience and on the presentation and discussion held during this session.

**MODEL OVERHEAD TRANSPARENCIES
FOR USE WITH SESSION 1
(GENERAL PRINCIPLES)**

HUMAN RIGHTS

INTERNATIONALLY GUARANTEED

LEGALLY PROTECTED

FOCUS ON DIGNITY OF THE HUMAN BEING

PROTECT THE INDIVIDUAL AND GROUPS

OBLIGE STATES AND STATE ACTORS

CANNOT BE WAIVED / TAKEN AWAY

EQUAL AND INTERDEPENDENT

UNIVERSAL

HUMAN RIGHTS

➤ WHO MAKES THE RULES?

States from all regions:

- ▶ through the development of custom
- ▶ through the development of treaties
- ▶ through the development of declarations, guidelines, etc.

➤ WHERE ARE THE RULES MADE?

At international bodies and meetings:

- ▶ UN Commission on Human Rights
- ▶ UN General Assembly
- ▶ UN Crime Congresses
- ▶ Regional organizations

Sources of International Human Rights Law: From the General to the Particular

**Charter of the United Nations
(Charter)**

**Universal Declaration of Human Rights
(UDHR)**

**International Covenant
on Civil and Political Rights
(ICCPR)**

**International Covenant
on Economic, Social and
Cultural Rights
(ICESCR)**

**Racial
Discrim.
(CERD)**

**Discrim.
against
Women
(CEDAW)**

**Torture
and Cruel,
Inhuman or
Degrading
Treatment/
Punishment
(CAT)**

**Rights of the
Child
(CRC)**

**Migrant
Workers
(MWC)**

**Declarations,
guidelines, bodies of
principles, minimum rules**

**Decisions and General
Comments of treaty bodies**

WHO MONITORS HUMAN RIGHTS?

AT THE NATIONAL LEVEL:

- **Government ministries and services**
- **National human rights institutions (such as a Human Rights Commission, an Ombudsman, etc.)**
- **Courts**
- **Parliament**
- **Police**
- **NGOs**
- **Media**
- **Trade unions**
- **Universities**
- **Professional organizations**
- **Religious groups**

WHO MONITORS HUMAN RIGHTS?

AT THE INTERNATIONAL LEVEL:

- ▶ **Regional organizations and institutions**

- ▶ **International NGOs**

- ▶ **The United Nations:**
 - ▶ **through conventional (treaty-based) mechanisms**

 - ▶ **through extra-conventional (Charter-based) mechanisms**

 - ▶ **through peacekeeping and human rights field operations**

WHAT IS “ARBITRARY”?

- ▶ **not based on legal grounds**
- ▶ **not respecting legal procedures**
- ▶ **not reasonable/appropriate in the circumstances**
- ▶ **not proportional to the legal objectives**
- ▶ **discriminatory**
- ▶ **not predictable**
- ▶ **without fair, solid and substantial cause**
- ▶ **unduly intrusive vis-à-vis other rights**

LIMITATIONS ON THE EXERCISE OF RIGHTS

It is the duty of all citizens to respect the rights of others and to observe the lawful and necessary requirements of maintaining public order in a democratic society.

Where they exist, limitations on rights are specified in the various human rights treaties

In general, such limitations and restrictions are those which are determined by law and which are necessary:

- ▶ to ensure respect for the rights and freedoms of others
- ▶ to meet the just requirements of morality, public order and general welfare in a democratic society

Session outline two: Ethical and legal conduct

Objectives

Participants will be familiar with the basic ethical principles and legal requirements derived from the relevant international instruments and applicable to their professional duties.

Sources

UDHR (preamble, art. 1)

Code of Conduct (arts. 1, 2, 3, 5, 7 and 8)

Principles on Force and Firearms (preamble, principles 2, 4, 5, 6, 9, 11, 13, 14, 15, 16, 22, 24, 25 and 26)

Standards

Human rights derive from the inherent dignity of the human person.⁴

Law enforcement officials shall at all times respect and obey the law.⁵

Law enforcement officials shall at all times fulfil the duty imposed on them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.⁶

Law enforcement officials shall not commit any act of corruption. They shall rigorously oppose and combat all such acts.⁷

Law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.⁸

Law enforcement officials shall report violations of those laws, codes and sets of principles which protect and promote human rights.⁹

All police action shall respect the principles of legality, necessity, non-discrimination, proportionality and humanity.¹⁰

Practice

All police officials

Enrol in in-service training programmes to gain a better understanding of your legal powers and their limitations.

Remember that “obedience to superior orders” may not be invoked to justify serious human rights violations such as unlawful killings and torture.

⁴ Universal Declaration of Human Rights (hereinafter “UDHR”), preamble and article 1.

⁵ Code of Conduct, article 1 and article 8.

⁶ Code of Conduct, article 1.

⁷ Code of Conduct, article 7.

⁸ Code of Conduct, article 2.

⁹ Code of Conduct, article 8; Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (hereinafter “Principles on Force and Firearms”), principles 6, 11(f), 22, 24 and 25.

¹⁰ Code of Conduct, articles 2, 3, 5, 7 and 8; Principles on Force and Firearms, preamble and principles 2, 4, 5, 9, 11, 13, 14, 15, 16, 24, 25 and 26.

Familiarize yourself with both internal and external complaints and reporting procedures.

Report breaches of the law and human rights violations.

Command and supervisory officials

Provide in-service training to ensure that all police officials understand fully their legal powers and the legal rights of citizens.

By example and good command and management practice, ensure that all police officials maintain respect for the dignity of all persons.

Ensure that all police policy and strategy, and orders to subordinates, take into account the requirement to protect and promote human rights.

Ensure that all reports and complaints of human rights violations are fully and properly investigated.

Develop and enforce standing orders incorporating international human rights standards.

Develop an ethical code of conduct for your police service, incorporating the international standards addressed in this section.

Questions

1. What advantages are there in asserting that human rights are inalienable and inherent in every person rather than granted by States?
2. Why do some police officials feel there is a degree of incompatibility between enforcing law and protecting human rights?
3. What can be done to overcome the view among some police officials that respecting human rights may be incompatible with law enforcement?
4. What purposes do internationally devised codes, such as the Code of Conduct for Law Enforcement Officials, serve for individual police officials and law enforcement agencies?
5. What supervisory and managerial procedures can be adopted to ensure that all police officials respect the requirement of confidentiality as expressed in article 4 of the Code of Conduct for Law Enforcement Officials?
6. Article 7 of the Code of Conduct for Law Enforcement Officials prohibits police officials from committing any act of corruption. How would you define an act of corruption? List three conditions which you consider the most important for preventing corruption by police.
7. The application of force by police against an individual is both an ethical and a legal issue. What level of force does a police official need to exert for such issues to arise? For example, does even the minimum application of force raise questions of ethics and legality, or do such questions arise only where injuries are caused?
8. Given that police are bound to comply with the provisions of domestic law, which defines police powers and protects human rights, what purpose do ethical codes adopted in individual countries serve?
9. What qualities would you look for in an applicant to a police agency, bearing in mind the requirement that he or she should be capable of acting effectively and ethically as a police official?
10. Are there any advantages in devising ethical codes for different categories of police officials – criminal investigators for example? How would such a code differ from the basic provisions of the United Nations Code of Conduct for Law Enforcement Officials?

Exercise

Ethical and lawful policing

A.

The police services of Exland have been dominated, since colonial times, by Vallians. The Minister of the Interior, all senior commanders and the vast majority of police officers are Vallians, and few Highlandians have ever served in the police agencies of the country. The few who have served have been either marginalized within the organization and assigned to the least desirable duties or subjected to continuous harassment by colleagues, so that few have remained in the police service for very long. Highlandians, by and large, view the police as the principal instrument of repression against them and see any Highlandians serving with the police as traitors. They cite the disproportionately high number of Highlandians in Exland's jails and several incidents of police brutality against Highlandians as evidence of police bias against Highlandians.

The Vallian-dominated Exland police insist that this situation is not their fault, since they cannot force Highlandians to join the police ranks, and that, in any event, "it just happens that Highlandians commit more crimes than Vallians".

Highlandian representatives claim that many young people in their communities, which have high unemployment rates, would very much like to find jobs as police officers if the situation were more fair and secure.

- ▶ What does the United Nations Code of Conduct for Law Enforcement Officials say about such matters?
- ▶ Should more Highlandians be recruited into the police services? Why or why not?
- ▶ How would a more balanced composition of the police make law enforcement more effective?
- ▶ Draft a one-line mission statement for police in Exland. Begin with "The mission of the Exland Police is to...".

B.

You have received a complaint from a local Exland farmer charging that an officer from a local police unit, while allegedly driving drunk, caused severe damage to the fence surrounding his field. You will advise the police that the appropriate action would be:

- (a) To refer the farmer to the courts but take no further action.
 - (b) To commence an investigation, and, if warranted, take firm disciplinary action against the violating officer and assist the farmer in seeking compensation.
 - (c) Advise the officer of the dangers of drinking and driving, but take no further action, so long as it is the first offence.
 - (d) Explain to the farmer that he should not complain. While some police officers might misbehave, it is better to have a broken fence than to have no law and order.
- ▶ Give the reasons for your answer.

C.

Owing to the devastation of the local economy, prostitution in the cities of Exland has increased dramatically in recent years as women are driven to desperate measures to feed themselves and their families. Some police officers have been seen visiting local prostitutes. The appropriate action in this situation would be:

- (a) Ignore it, so long as it does not occur while the officers are on duty.
 - (b) Speak with the officers privately and ask that they be more discreet.
 - (c) Take rigorous official action against the officers concerned.
 - (d) Issue a stern warning to the prostitutes (but take no action against the officers).
- ▶ Give the reasons for your answer.

**MODEL OVERHEAD TRANSPARENCIES
FOR USE WITH SESSION 2
(ETHICAL AND LEGAL CONDUCT)**

WHAT IS THE MANDATE OF LAW ENFORCEMENT?

Article 29 of the Universal Declaration of Human Rights:

“In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.”

Hence the mandate for police in modern democracies:

- ❖ **to protect human rights**
- ❖ **to defend fundamental freedoms and**
- ❖ **to maintain public order and the general welfare in a democratic society through polices and practices that are lawful, humane and disciplined**

ETHICAL AND LEGAL CONDUCT

- ❖ **Human rights derive from the inherent dignity of the human person**
- ❖ **Law enforcement officials shall at all times respect and obey the law**
- ❖ **Law enforcement officials shall at all times fulfil the duty imposed on them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession**
- ❖ **Law enforcement officials shall not commit any act of corruption. They shall rigorously oppose and combat all such acts**
- ❖ **Law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons**
- ❖ **Law enforcement officials shall report violations of those laws, codes and sets of principles which protect and promote human rights**
- ❖ **All police action shall respect the principles of legality, necessity, non-discrimination, proportionality and humanity**

WHAT HAPPENS WHEN POLICE VIOLATE HUMAN RIGHTS?

- ❖ **law enforcer becomes law breaker**
- ❖ **human dignity is transgressed**
- ❖ **erosion of crucial public confidence and support**
- ❖ **exacerbation of civil unrest**
- ❖ **hampering of effective prosecutions in court**
- ❖ **isolation of police from the community**
- ❖ **guilty parties go free – the innocent are punished**
- ❖ **victims of crime are left without justice**
- ❖ **removal of the “law” from “law enforcement”**
- ❖ **police agencies forced to be reactive rather than proactive**
- ❖ **international and media criticism and political pressure on Government and police**

WHAT HAPPENS WHEN POLICE UPHOLD, PROTECT AND DEFEND HUMAN RIGHTS?

- ❖ **public confidence is built and community cooperation fostered**
- ❖ **a contribution is made to the peaceful resolution of conflicts and complaints**
- ❖ **legal prosecutions are successful in court**
- ❖ **police are seen as part of the community, performing a valuable social function**
- ❖ **the fair administration of justice is served and hence confidence in the system is enhanced**
- ❖ **an example is set for respect for the law by others in society**
- ❖ **police are able to be closer to the community and therefore in a position to prevent and solve crimes through proactive policing**
- ❖ **support is elicited from the media, from the international community and from political authorities**
- ❖ **police bring honour to their uniform, their agency, and their Government**

Session outline three: Policing in democracies

Objectives

Participants will be sensitized to standards for and approaches to policing which are consistent with the principles of a democratic order, as opposed to authoritarian policing models.

Sources

UDHR (arts. 19, 20, 21(1), 21(3) and 29(2))
ICCPR (arts. 19, 21, 22 and 25(a, b))
Code of Conduct (preamble, para. 8(a), art. 1))
Principles on Force and Firearms (principle 12)

Standards

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law¹¹

Limitations on the exercise of rights and freedoms shall be only those necessary to secure recognition and respect for the rights of others, and for meeting the just requirements of morality, public order and general welfare in a democratic society.¹²

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.¹³

The will of the people is the basis of the authority of government.¹⁴

The will of the people shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage.¹⁵

Every law enforcement agency shall be representative of and responsive and accountable to the community as a whole.¹⁶

Everyone has the rights to freedom of opinion, expression, assembly and association.¹⁷

All police officials are part of and have a duty to serve the community.¹⁸

Practice

All police officials

Maintain political independence and impartiality at all times.

Carry out all duties impartially and without discrimination on such grounds as race, colour, sex, language, religion or politics.

Protect and respect the human rights of all persons – including rights essential to political processes.

Maintain and preserve social order so that democratic political processes can be conducted constitutionally and legally.

¹¹ UDHR, article 29(2).

¹² UDHR, article 29(2).

¹³ UDHR, article 21(1); ICCPR, article 25(a) (b).

¹⁴ UDHR, article 21(3); ICCPR, article 25(b).

¹⁵ UDHR, article 21(3); ICCPR, article 25(b).

¹⁶ General Assembly resolution 34/169 of 17 December 1977, adopting the Code of Conduct, eighth preambular paragraph, subparagraph (a).

¹⁷ UDHR, articles 19 and 20; ICCPR, articles 19, 21 and 22; Principles on Force and Firearms, principle 12.

¹⁸ Code of Conduct, article 1.

Command and supervisory officials

Ensure that the policies and strategies of the police agency are based on respect for democratic government.

Devise ways of identifying the specific needs of the local community and respond to those needs.

Ensure that the composition of the police agency is representative of the entire community through fair and non-discriminatory recruitment and management policies and practices.

Ensure that recruitment procedures and training programmes are designed to recruit and retain police officials willing and able to meet the demands of democratic policing under democratic government.

Questions

1. Consider the differences between policing in a democratic society and policing in a non-democratic society. List five of these differences that you consider to be the most significant.
2. Article 21 of the Universal Declaration of Human Rights enshrines the right of everyone to participate in the government of his country, either directly or through freely chosen representatives. In what ways does this political right enhance the protection of other civil and political rights?
3. What do you understand by the term “the rule of law”? Why is it important that all persons and all institutions of a State be subject to the rule of law?
4. When the rule of law does prevail within a State, how does this promote and protect human rights?
5. Consider ways in which the police may protect the right to freedom of thought, conscience and religion in a society. List five of these ways that you consider to be the most important.
6. Consider ways in which the police may protect the right to freedom of opinion and expression in a society. List five of these ways that you consider to be the most important.
7. Consider ways in which the police may protect the right to freedom of assembly and association in a society. List five of these ways that you consider to be the most important.
8. Consider the system in your country for making the police accountable to the public they serve through democratic political institutions. Is it satisfactory? If not, what are its shortcomings? How can it be improved?
9. While it is essential for the police to be accountable to the public through democratic political institutions, it is also essential for politicians to refrain from interfering with day-to-day policing operations. Why is it important for the police to retain this form of operational independence?

Exercise

Under the terms of the peace agreements, United Nations-supervised presidential and parliamentary elections are to be held nine months from the beginning of the UNSAME mission in Exland. Police officers are to be assigned to providing security at electoral polling places. Currently, the Government, like the national police, is dominated by Vallians. The elections, if free and fair, are expected to result in a more representative government, laying the foundations for national reconciliation in Exland.

Tasks:

- ❖ Draft a mission statement (one paragraph) describing the role of the police in the elections.
- ❖ What are the benefits of having police officers at polling places? What are the potential negative factors?
- ❖ What should a police officer do, and not do, to avoid being seen as biased or partisan in the electoral context?

**MODEL OVERHEAD TRANSPARENCIES
FOR USE WITH SESSION 3
(POLICING IN DEMOCRACIES)**

Policing in Democracies Authoritarian vs. Democratic Policing Models

AUTHORITARIAN MODEL	DEMOCRATIC MODEL
<ul style="list-style-type: none"> • POWER HELD BY THE FEW • ARBITRARINESS • INTIMIDATION • ENFORCEMENT OF STATE CONTROL • PROTECTION OF THE ELITE • CORRUPTION AND IMPUNITY • DISTRUST OF SOCIETY • FEAR 	<ul style="list-style-type: none"> • POWER HELD BY THE MANY • RULE OF LAW • CONFIDENCE • ENFORCEMENT OF THE LAW • SERVICE TO THE COMMUNITY • HONESTY AND ACCOUNTABILITY • SUPPORT FROM SOCIETY • RESPECT
<p>IN A DEMOCRACY THE WILL OF THE PEOPLE IS THE BASIS OF GOVERNMENTAL AUTHORITY</p>	

POLICING IN DEMOCRACIES

- **In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law**
- **Limitations on the exercise of rights and freedoms shall be only those necessary to secure recognition and respect for the rights of others, and for meeting the just requirements of morality, public order and the general welfare in a democratic society**
- **Everyone has the right to take part in the government of his country, directly or through freely chosen representatives**
- **The will of the people is the basis of the authority of government**
- **The will of the people shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage**
- **Every law enforcement agency shall be representative of and responsive and accountable to the community as a whole**
- **Everyone has the right to freedom of opinion, expression, assembly and association**
- **All police officials are part of and have a duty to serve the community**

ETHICAL AND LAWFUL POLICING IN A DEMOCRATIC SOCIETY

- **Obeying and enforcing the law**
- **Serving the community**
- **Maintaining professionalism**
- **Combating corruption**
- **Protecting human rights**
- **Respecting legality**
- **Respecting necessity**
- **Exhibiting non-discrimination**
- **Exercising proportionality**
- **Demonstrating humanity**
- **Being representative of the community**
- **Being responsive to the community**
- **Being accountable to the community**

DEMOCRATIC GOVERNMENT

requires respect for

THE FUNDAMENTAL RIGHT TO TAKE PART IN GOVERNMENT

requires the holding of

FREE AND FAIR ELECTIONS

requires respect for

THE RIGHT TO FREEDOM OF OPINION

THE RIGHT TO PEACEFUL ASSEMBLY

THE RIGHT TO FREEDOM FROM FEAR AND INTIMIDATION

all rights to be

**APPLICABLE TO ALL PERSONS, IRRESPECTIVE OF RACE, SEX,
LANGUAGE, RELIGION, POLITICAL OR OTHER BELIEF**

Session outline four: Non-discrimination in law enforcement

Objectives

Participants will be familiarized with the legal requirements for non-discriminatory behaviour, and sensitized to the damaging effects of discriminatory attitudes

Sources

UDHR (arts. 1, 2 and 7)
ICCPR (preamble, arts. 2, 3, 10 and 26)
ICERD (preamble, paras. 5, 8, 9 and 19; arts. 2 and 5)
CEDAW (preamble, paras. 3, 9 and 14; arts. 2, 3, 4(2), 5, 7 and 12(2))
CRC (arts. 37 and 40)
Code of Conduct (arts. 1 and 2)
SMRTP (rules 5, 8, 53, 82 and 85(2))
Principles on Detention or Imprisonment (principle 5(2))
Beijing Rules (part 1, rules 1-8)

Standards

All human beings are born free and equal in dignity and rights.¹⁹

Human rights derive from the inherent dignity of the human person.²⁰

Law enforcement officials shall at all times fulfil the duty imposed on them by law, by serving the community and by protecting all persons against illegal acts.²¹

Law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.²²

All persons are equal before the law, and are entitled, without discrimination, to equal protection of the law.²³

In protecting and serving the community, police shall not unlawfully discriminate on the basis of race, gender, religion, language, colour, political opinion, national origin, property, birth or other status.²⁴

It shall not be considered unlawfully discriminatory for the police to enforce certain special measures designed to address the special status and needs of women (including pregnant women and new mothers), juveniles, the sick, the elderly and others requiring special treatment in accordance with international human rights standards.²⁵

The recruitment, hiring, assignment and promotions policies of police agencies shall be free from any form of unlawful discrimination.²⁶

¹⁹ UDHR, article 1; ICCPR, preamble.

²⁰ UDHR, article 1; ICCPR, preamble.

²¹ Code of Conduct, article 1.

²² Code of Conduct, article 2.

²³ UDHR, article 7; ICCPR, article 26; International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter "ICERD"), articles 2 and 5.

²⁴ UDHR, article 2; ICCPR, articles 2 and 3; ICERD, articles 2 and 5; Code of Conduct, articles 1 and 2.

²⁵ ICCPR, article 10; Convention on the Elimination of All Forms of Discrimination Against Women (hereinafter, "CEDAW"), articles 4(2) and 12(2); Convention on the Rights of the Child (hereinafter "CRC"), articles 37 and 40; Standard Minimum Rules for the Treatment of Prisoners (hereinafter "SMRTP"), rules 5, 8, 53, 82 and 85(2); Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (hereinafter "Principles on Detention or Imprisonment"), principle 5(2); and Standard Minimum Rules for the Administration of Juvenile Justice (hereinafter "The Beijing Rules"), see generally, Part 1, rules 1-8.

²⁶ ICCPR, articles 2, 3 and 26; ICERD, preambular paragraphs 5, 8, 9 and 10, and articles 2(1)(e), 2(2) and 5(e); CEDAW, preambular paragraphs 3, 9 and 14, and articles 2(d)-(f), 3, 5(a) and 7(b).

Practice

All police officials

Become familiar with the community you serve. Meet with leaders and representatives of various ethnic and racial communities.

Participate in foot patrols and community service activities in ethnically diverse neighbourhoods.

Speak out against ethnic or racial stereotyping or slurs in the community and in the police station.

Participate in ethnic or race relations training programmes offered by your service.

Speak to minority group members in the communities you serve to hear about their needs, complaints and suggestions. Be sensitive and responsive.

Command and supervisory officials

Organize in-service training to sensitize police to the importance of good ethnic/race relations and fair, non-discriminatory law enforcement.

Develop a race relations plan of action in consultation with various ethnic communities.

Issue clear orders on appropriate comportment, language and attitudes vis-à-vis various ethnic and racial groups.

Evaluate your recruitment, hiring and promotional policies to ensure fairness among various groups.

Actively recruit members of ethnic and racial minorities, and groups underrepresented in your police service.

Establish mechanisms to receive, continuously, the complaints and suggestions of members of ethnic, racial, religious and linguistic groups in the community.

Adopt community policing strategies.

Appoint a minority relations coordinator within your service.

Punish discriminatory, insensitive or otherwise inappropriate professional behaviour.

Reward officer initiatives supportive of better community relations.

Provide in-service training in racial/ethnic relations for all police.

Questions

1. When considering “non-discrimination”, what is the importance of the principle that “All human beings are born free and equal in dignity and rights”?
2. Enumerate briefly the various ways in which a State can meet its obligations to ensure human rights to all individuals in its territory without distinction on such grounds as race, colour, sex, religion and belief.
3. Enumerate briefly the ways in which police can assist the State in meeting its obligations to ensure human rights to all individuals in its territory without distinction on such grounds as race, colour, sex, religion and belief.
4. Consider the entitlement to equal protection of the law for all persons and enumerate the implications of that right for policing.
5. The International Covenant on Civil and Political Rights (article 20) requires advocacy of racial hatred to be prohibited by law. There is also a right to freedom of opinion and expression (e.g. “free speech”). How can these two requirements be reconciled?
6. The Convention on the Elimination of All Forms of Discrimination against Women (article 11) requires State parties to the Convention to ensure that

women have the same employment opportunities as men, including application of the same criteria for selection in matters of employment. What difficulties does this create for recruitment into a police agency? How can these difficulties be overcome?

7. The Universal Declaration of Human Rights (article 6) and other human rights instruments require everyone to have recognition as a person before the law. What are the dangers for an individual who has no legal status “as a person before the law”?
8. Why is it important in the protection and promotion of human rights for those rights to be regarded as inalienable and universal?
9. While most forms of discrimination against people are violations of human rights, discrimination that favours certain categories of people (such as women and children) is encouraged and sometimes required. In what areas of law enforcement is this “positive” form of discrimination relevant and necessary?
10. Draft an article for a Police Discipline Code that makes “discrimination” an offence under the Code.

Exercise

Round-table discussion on non-discrimination

Ethnic discrimination has been at the core of the Exland conflict since colonial times. Political, economic and social advantage rests with the Vallians, while the Highlandians have long suffered from the status of second-class citizens. As governmental institutions, including the police, are dominated by Vallians, and ethnic tensions between the groups remain high, Highlandians have reportedly been the victims of several cases of discriminatory treatment by police, and police violence against Highlandians is notoriously common. Thus, any hopes for peace and reconciliation in the country will be short-lived unless solutions can be found to the problem of discrimination.

The round table will explore the following questions:

1. Why is the principle of non-discrimination especially important in the context of law enforcement agencies and operations?
2. Why is law enforcement more effective when it has the support of the entire community?
3. Why do minority communities sometimes register concern about “under-policing” and sometimes about “over-policing”?
4. What can be done in the immediate term in Exland to combat discrimination within the police services (internal discrimination) and in the way that the police deal with the community (external discrimination)?
5. What can be done to improve the situation in Exland in the long term?
6. What do the international standards say about non-discrimination in policing?
7. What course of action should be taken where a police officer is heard using racial or ethnic slurs or telling racist jokes on duty? Why?

**MODEL OVERHEAD TRANSPARENCIES
FOR USE WITH SESSION 4
(NON-DISCRIMINATION)**

NON-DISCRIMINATION IN LAW ENFORCEMENT

- **All persons are born free and equal in dignity and rights**
- **Law enforcement officials shall at all times fulfil the duty imposed on them by law, by serving the community and by protecting all persons against illegal acts**
- **All persons are equal before the law, and are entitled, without discrimination, to equal protection of the law**
- **In protecting and serving the community, police shall not unlawfully discriminate on the basis of race, gender, religion, language, colour, political opinion, national or ethnic origin, property, birth or other status**
- **The recruitment, hiring, assignment and promotions policies of police agencies shall be free from any form of discrimination**

NON-DISCRIMINATION IN LAW ENFORCEMENT

Not considered discriminatory:

- **Special measures to address the special status and needs of:**
 - **women (including pregnant women and new mothers)**
 - **children and juveniles**
 - **persons with disabilities**
 - **the sick**
 - **the elderly**
 - **other groups requiring special treatment in accordance with international human rights standards**

Session outline five: Police investigations

Objectives

Participants will know the applicable international standards and their relevance to police practice relating to criminal investigations.

Sources

UDHR (arts. 3, 5, 10, 11(1) and 12)
ICCPR (arts. 7, 9(1), 14 and 17(1))
Code of Conduct (arts. 2, 4 and 5)
Declaration on Enforced Disappearance (art. 13(3))
Principles on Summary Executions (principles 9, 10, 11, 12, 13 and 15)
Principles on Detention or Imprisonment (principles 1, 17, 18, 21, 23 and 36)
Torture Convention (preamble; arts. 2 and 13)
Victims Declaration (principles 4, 5 and 6(d))

Standards

In investigations, the interviewing of witnesses, victims and suspects, personal searches, searches of vehicles and premises, and the interception of correspondence and communications:

Everyone has the right to security of person.²⁷

Everyone has the right to a fair trial.²⁸

Everyone is to be presumed innocent until proven guilty in a fair trial.²⁹

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence.³⁰

No one shall be subjected to unlawful attacks on his honour or reputation.³¹

No pressure, physical or mental, shall be exerted on suspects, witnesses or victims in attempting to obtain information.³²

Torture and other inhuman or degrading treatment is absolutely prohibited.³³

Victims and witnesses are to be treated with compassion and consideration.³⁴

Confidentiality and care in the handling of sensitive information are to be exercised at all times.³⁵

²⁷ UDHR, article 3; ICCPR, article 9(1).

²⁸ UDHR, article 10; ICCPR, article 14.

²⁹ UDHR, article 11(1); ICCPR, article 14(2).

³⁰ UDHR, article 12; ICCPR, article 17(1).

³¹ UDHR, article 12; ICCPR, article 17(1).

³² Declaration on the Protection of All Persons from Enforced Disappearance (hereinafter "Declaration on Enforced Disappearance"), article 13(3); Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (hereinafter "Principles on Summary Executions"), principle 15. On the basic duties of law enforcement officials with regard to all persons (including victims, witnesses and suspects), whether they are conducting investigations or otherwise, see Code of Conduct, article 2. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter "Torture Convention") includes a special provision, in article 13, to the effect that witnesses in cases of alleged torture shall be protected against ill-treatment or intimidation. For more specific information regarding the rights of victims to appropriate treatment and sensitivity, see Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (hereinafter "Victims Declaration"), principles 4, 5 and 6(d). On the rights of suspects and other detained persons during investigation and interrogation, see generally Principles on Detention or Imprisonment, principles 1, 17, 18, 21, 23 and 36.

³³ UDHR, article 5; ICCPR, article 7; Torture Convention, preamble and article 2; Code of Conduct, article 5.

³⁴ Victims Declaration, principle 4; Principles on Summary Execution, principle 15.

³⁵ Code of Conduct, article 4.

No one shall be compelled to confess or to testify against himself/herself.³⁶

Investigatory activities shall be conducted only lawfully and with due cause.³⁷

Neither arbitrary nor unduly intrusive investigatory activities shall be permitted.³⁸

Investigations shall be competent, thorough, prompt and impartial.³⁹

Investigations shall serve to identify victims; to recover evidence; to discover witnesses; to discover cause, manner, location and time of crime; to identify and apprehend perpetrators.⁴⁰

Crime scenes shall be carefully processed and evidence carefully collected and preserved.⁴¹

Practice

All police officials

Develop standardized procedures for the recording of information during investigations.

When in doubt about the legality of an investigative activity, where possible consult superiors before proceeding.

Treat all suspects as innocent persons, politely, respectfully and professionally.

Keep a detailed record of all interviews conducted.

Enrol in in-service training to sharpen your investigation skills.

Always advise the victim, witness or suspect of his or her rights before interviewing.

Before undertaking any investigatory action, ask yourself: Is it legal? Will it stand up in court? Is it necessary? Is it unduly intrusive?

Never seek or rely on a confession as the basis for a case. Rather, the purpose of investigation should be the securing of independent evidence.

Seek a warrant or court order whenever possible before conducting searches. Warrantless searches should be the exception, carried out only when reasonable and with due cause: when incidental to a lawful arrest; when free consent is granted; or when obtaining a warrant in advance would be impossible in the circumstances.

Know the community to which you are assigned. Develop proactive strategies for preventing crime, including through awareness of risks existing in your community.

Command and supervisory officials

Establish administrative mechanisms to expedite the investigatory process.

Establish standing orders emphasizing legal safeguards for investigations.

Provide training programmes on legal standards and effective scientific techniques for investigations.

Establish strict supervisory procedures for the management of confidential information.

Establish victim support mechanisms in concert with relevant social agencies.

Establish policies that limit reliance on confessions.

³⁶ UDHR, article 11(1); ICCPR, article 14(3)(g); Principles on Detention or Imprisonment, principle 21(1).

³⁷ Code of Conduct, article 4; Principles on Detention or Imprisonment, principles 21, 23, 36; Principles on Summary Execution, principles 9, 10 and 11.

³⁸ UDHR, article 12; ICCPR, article 17(1); Principles on Summary Execution, principles 9, 10 and 11.

³⁹ Principles on Summary Execution, principle 9.

⁴⁰ Principles on Summary Execution, principle 9.

⁴¹ Principles on Summary Execution, principles 9, 12 and 13.

Develop community policing strategies, enabling police to be closer to the community and hence to information vital to the prevention and solving of crimes.

Solicit technical cooperation, including, where necessary, from international technical policing programmes, on current techniques and technologies for police investigations.

Announce and enforce strict penalties for violations of regulations governing the legality of investigatory practices.

Questions

1. Why is it important for the right to presumption of innocence to be respected?
2. How does the presumption of innocence contribute to respect for the right to a fair trial?
3. How does the right of a person to be informed promptly of the charges against him or her contribute to respect for the right to a fair trial?
4. Why is it important for a person accused of crime to be free from any compulsion to testify against himself or herself?
5. What are the essential qualities of a police officer specialized in the investigation of crime?
6. Describe briefly the guidance you would give to a newly appointed police official on how to carry out a personal search of an individual.
7. Describe briefly the risks to a police officer when he or she is managing a confidential informant and how these risks may be reduced.
8. Describe briefly the risks to the achievement of ethical policing associated with the use of confidential informants and how these risks may be reduced.
9. Should the ethical standards that apply to the investigation of major crime be the same as those that apply to the investigation of minor crime?
10. Criminals don't obey the rules. Why should the police?

Exercise

Police investigations

The police in Exland operate with few resources, little modern equipment and no trained investigative specialists. The police have come to rely almost entirely on confessions or other evidence obtained through various forms of pressure put on suspects, including threats, verbal abuse, detention in dark cells, denial of food and, in some cases, torture. Persons suspected of being political opponents of the Government are often subjected to police surveillance and are frequently taken into custody, interrogated and released. Warrants are seldom sought for searching homes or offices, and most arrests are also carried out without a warrant.

You must advise the local police on the conduct of lawful and effective investigations. How will you respond to the questions of the Exland Police Commissioner?

1. "What are the basic international standards regarding police investigations?"
2. "Why should we not rely on forcing a few confessions to get criminals off the streets?"
3. "We do not have the expensive, modern equipment for investigations and forensics that other countries have. How can we catch criminals and collect evidence if we don't use our current methods?"

4. “We only arrest people if we know that they’re guilty. Do you expect me to treat guilty people as if they are innocent?”
5. “You cannot expect us always to take the time to obtain a search warrant. By the time we show up with a warrant, the criminals and the evidence will be gone. Aren’t there some cases where we can carry out a search without a warrant?”
6. “Isn’t the very purpose of investigations to get a conviction? If not, what are the purposes of a legitimate police investigation?”
7. “Look – you are a police officer and so am I. Just between us, don’t you sometimes bend the rules a little to get what you need from an investigation?”

**MODEL OVERHEAD TRANSPARENCIES
FOR USE WITH SESSION 5
(INVESTIGATIONS)**

POLICE INVESTIGATIONS

Legitimate purposes of police investigations:

- **detection of crime**
- **identification of witnesses**
- **recovery and preservation of evidence**
- **discovery of witnesses**
- **discovery of cause, manner, location and time of crime**
- **identification and apprehension of perpetrators**

INVESTIGATIONS

Key Points

- **right to security of person**
- **presumption of innocence**

(Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to the law in a public trial at which he/she has had all the guarantees necessary for his/her defence. ICCPR, article 14, and Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment)

- **prohibition of arbitrary interference with privacy, family, home or correspondence**
- **protection of honour and reputation**
- **absolute prohibition of torture and cruel, inhuman or degrading treatment**
- **compassionate treatment of victims and witnesses**
- **respect for confidentiality of information**
- **right not to confess or testify against oneself**
- **right to a fair trial**

(Everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. ICCPR, art. 14)

INVESTIGATIONS IN GENERAL

All investigations, including interviewing of witnesses, victims and suspects, personal searches, searches of vehicles and premises, interception of communications:

- **shall not be unlawful, arbitrary, unduly intrusive or biased**
- **shall be competent, thorough, prompt and impartial, and lawful**
- **shall include careful processing of crime scenes**
- **shall seek to collect and preserve evidence**

CRIMINAL INVESTIGATIONS

In investigations the interviewing of witnesses, victims and suspects, personal searches, searches of vehicles and premises, and the interception of correspondence and communications:

- ***All police activities relating to the collection of evidence and criminal investigations shall be conducted only according to law, with due cause, and with respect for human rights and fundamental freedoms, and shall be neither arbitrary nor unduly intrusive.***

CRIMINAL INVESTIGATIONS

- **Everyone has the right to security of person**
- **Everyone is to be presumed innocent until proved guilty in a court of law**
- **Everyone has the right to a fair trial**
- **No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence**
- **No one shall be subjected to attacks on his honour or reputation**
- **No pressure, physical or mental, shall be exerted on suspects, witnesses or victims in attempting to obtain information**
- **Torture and other inhuman or degrading treatment is absolutely prohibited**
- **Victims and witnesses are to be treated with compassion and consideration**
- **Confidentiality is to be respected**
- **No one is to be compelled to confess or to testify against himself/herself**

Session outline six: Arrest

Objectives

Participants will know the international standards applicable to official action that has the effect of depriving a person of his or her liberty, including for the alleged commission of an offence, and will understand selected practical aspects of the implementation of those standards.

Sources

UDHR (arts. 3, 9, 11, 13 and 29(2))

ICCPR (arts. 9, 12 and 14)

SMRTP (rules 7, 44(3), 92 and 93)

Principles on Detention or Imprisonment (principles 10, 11, 12, 14, 16(1), 17, 18, 21(1), 32, 37 and 38)

Declaration on Enforced Disappearance (principles 10(2) and 10(3))

Principles on Summary Executions (principle 6)

Standards

Everyone has the right to liberty and security of the person and to freedom of movement.⁴²

No one shall be subjected to arbitrary arrest or detention.⁴³

No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law.⁴⁴

Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest.⁴⁵

Anyone who is arrested shall be promptly informed of any charges against him.⁴⁶

Anyone who is arrested shall be brought promptly before a judicial authority.⁴⁷

Anyone who is arrested shall have the right to appear before a judicial authority for the purpose of having the legality of his arrest or detention reviewed without delay, and shall be released if the detention is found to be unlawful.⁴⁸

Anyone who is arrested has the right to trial within a reasonable time, or to release.⁴⁹

Detention pending trial shall be the exception rather than the rule.⁵⁰

All arrested or detained persons shall have access to a lawyer or other legal representative, and adequate opportunity to communicate with that representative.⁵¹

A record of every arrest must be made and shall include: the reason for the arrest; the time of the arrest; the time transferred to a place of custody; the time of appearance before a judicial authority; the identity of involved officers; precise information on the place of custody; and details of the interrogation.⁵²

⁴² UDHR, articles 3 and 13; ICCPR, articles 9 and 12.

⁴³ UDHR, article 9; ICCPR, article 9.

⁴⁴ UDHR, article 29(2); ICCPR, article 9.

⁴⁵ ICCPR, article 9(2); Principles on Detention or Imprisonment, principle 10.

⁴⁶ ICCPR, article 9(2); Principles on Detention or Imprisonment, principle 10.

⁴⁷ ICCPR, article 9(3); Principles on Detention or Imprisonment, principle 11.

⁴⁸ ICCPR, article 9(4); Principles on Detention or Imprisonment, principle 32.

⁴⁹ ICCPR, article 9(3); Principles on Detention or Imprisonment, principle 38.

⁵⁰ ICCPR, article 9(3); Principles on Detention or Imprisonment, principle 37.

⁵¹ UDHR, article 11; ICCPR, article 14; Principles on Detention or Imprisonment, principles 17 and 18; SMRTP, rule 93.

⁵² Principles on Detention or Imprisonment, principle 12; SMRTP, rule 7; Declaration on Enforced Disappearance, article 10(2); Principles on Summary Execution, principle 6.

The arrest record shall be communicated to the detainee, or to his legal counsel.⁵³

The family of the arrested person shall be notified promptly of his arrest and place of detention.⁵⁴

No one shall be compelled to confess or to testify against himself.⁵⁵

Where necessary, an interpreter shall be provided during interrogation.⁵⁶

Practice

All police officials

Review regularly, for a clear understanding of your powers of arrest and of the procedures to adopt upon and following arrest.

Participate in training to develop and maintain the necessary interpersonal skills, especially communication skills, to enable you to effect arrests expertly, discreetly and with due respect for human dignity.

Where resistance is not evident, attempt calm, polite, disarming language when effecting an arrest, resorting to strong, authoritative tones only when necessary.

Develop and maintain the necessary technical and tactical skills to enable you to carry out arrests expertly, discreetly and with due respect for human dignity.

Develop and maintain skills in use of handcuffs and other means of restraint.

Develop your self-confidence, including through self-defence skills.

Study carefully chapter 14 of the Manual on the use of force as it applies to arrests.

Seek an arrest order/warrant whenever possible.

Carry a small card in your uniform, setting forth the rights of an arrestee, and read those rights, verbatim, to the arrestee once he/she has been secured.

Study conflict resolution techniques, through in-service training or in available community education programmes.

Keep careful arrest records, with detail as the first rule of thumb.

Command and supervisory officials

Issue and enforce clear standing orders on arrest procedures.

Provide continuous training to all officers on procedures for arrest, the rights of the arrested, and techniques for effecting arrest safely and humanely.

Provide training in inter-personal skills, conflict resolution techniques, self-defence and the use of restraint mechanisms.

Develop standard forms for the recording of arrest information, based on this session and the laws and procedures for arrest in your jurisdiction.

When arrests can be planned in advance, ensure that a range of options is available, and that planning, preparation, briefing and tactics adopted are appropriate to the circumstances and conditions under which the arrest is to be effected.

Debrief the officers involved after every arrest and carefully check the arrest record to be sure it is complete.

Establish procedures to ensure unhindered access of legal counsel to arrested persons.

⁵³ Principles on Detention or Imprisonment, principle 12(1); Declaration on Enforced Disappearance, article 10(3).

⁵⁴ Principles on Detention or Imprisonment, principle 16(1); SMRTP, rules 44(3) and 92; Declaration on Enforced Disappearance, article 10(2); Principles on Summary Execution, principle 6.

⁵⁵ UDHR, article 11(1); ICCPR, article 14(3)(g); Principles on Detention or Imprisonment, principle 21(1).

⁵⁶ Principles on Detention or Imprisonment, principle 14. On the right to an interpreter in court, see ICCPR, article 14(f).

Questions

1. Why is the right to liberty and security of person such an important right?
2. On the question of unnecessary arrests, give reasons why it is not always appropriate to arrest a person even when you have the legal power to do so.
3. International human rights texts forbid arbitrary arrests. Devise a definition of an arbitrary arrest.
4. In addition to their usual powers of arrest (e.g. for the arrest of persons who may have committed criminal acts), police are sometimes empowered to arrest persons for the purpose of preventing the spread of infectious diseases, persons of unsound mind, alcoholics, drug addicts and vagrants. Do you consider that it is a function of the police to deal with all of these categories of people? Which of these categories of people should be the concern of the police? Is it always necessary to exercise powers of arrest when dealing with them?
5. Both international human rights instruments and domestic legal texts require a person arrested on a criminal charge to be brought promptly before a judge or other judicial authority. Why have such provisions been introduced?
6. What violations of international human rights standards are committed when people are subjected to enforced or involuntary disappearances? What breaches of the criminal law of your country would be committed if such acts were carried out?
7. Why are interpersonal skills, especially communication skills, important when effecting an arrest?
8. Can interpersonal skills, including communication skills, be taught successfully? Imagine that you have been asked to devise a course for training police in such skills and devise an outline course programme setting out the subjects to be covered.
9. Make a list of the main points of advice you would give to a newly appointed police official on effecting lawful, necessary, expert and discreet arrests.
10. For the sake of discussion, imagine that a team of police officials has carried out the arrest of a number of suspects for serious crime following a planned policing operation. What points would you want to review during a debriefing exercise of this operation?

Exercise

Arrest

During the pre-electoral period in Exland, you have begun to receive reports of a dramatic increase in arrests. You have been advised, by United Nations human rights monitors, that the vast majority of those arrested are political activists opposed to the current Government, including two opposition candidates and dozens of campaign workers. On further investigation, you learn that most of these arrests have been carried out at night, few were preceded by the securing of an arrest warrant by local police, and none of the arrestees has been released.

Mario X. is one of the arrestees. He is a well-known local religious leader of Highlandian ethnicity, 74 years old, and has lived in the same village for his entire life. He heads a local NGO known as the Foundation for God and Justice, which has been active in the human rights movement and openly critical of the human rights record of the Government. His organization had publicly endorsed a list of opposition candidates on the day before his arrest. Also arrested was Thomas G., 23 years old, an assistant to Mario X. working for the Foundation.

According to neighbours in the building, at approximately midnight two weeks ago a group of some 15 police officers broke down the door to Mario's apartment, dragged him from his bed, beat him and carried him to a waiting police vehicle. Mario's family and neighbours watched helplessly from the windows as he was driven away into the night by the silent police officers, screaming "What have I done, why are you arresting me?" Twenty minutes later, a group of men wearing masks and plain clothing appeared at the nearby home of Thomas, entered by force and took him away in an apparently civilian vehicle. One witness has indicated that, while the car was unmarked, it was of the make and model commonly used by the Government. Few cars of this kind are owned by private persons.

The police have responded to inquiries by stating that they had uncovered evidence of a plot among opposition figures to carry out subversive activities aimed at discrediting the Government, destabilizing the country further and returning the country to full-scale civil war. They claim that such people were using the electoral campaign as a cover for fomenting unrest and planning violent attacks. While they confirm the arrest of Mario, they insist that they know nothing about the whereabouts of Thomas.

The police further state that Mario is being held under certain special security laws in force since the beginning of the state of emergency, and that they will therefore not allow anyone to visit him. They claim that he will probably soon be charged with subversion, at which time "we will see if a judge is available to see him". They display an arrest record which states, simply, that Mario was arrested at 12:20 a.m. two Saturdays ago on the order of the local chief of police. No further information appears on the arrest record. Mario's family has tried to obtain further information but has been told that this is a "State security case" and that no visits will be allowed and no information given.

1. *What are the arrest rights of Mario that appear to have been violated?*
2. *What about Thomas's rights? Why is his case particularly dangerous?*
3. *What action should be taken?*

**MODEL OVERHEAD TRANSPARENCIES
FOR USE WITH SESSION 6
(ARREST)**

RIGHT TO LIBERTY AND SECURITY OF PERSON (UDHR, ICCPR)

Arbitrary arrest and detention

Deprivation of liberty, without legal reason or process, by an act of Government or with its complicity, tolerance or acquiescence.

What is “arbitrary”?

- **not based on legal grounds**
- **not respecting legal procedures**
- **not reasonable/appropriate in the circumstances**
- **proportional to the legal objectives**
- **discriminatory**
- **not predictable**
- **without fair, solid and substantial cause**
- **unduly intrusive vis-à-vis other rights**

RIGHTS RELATING TO ARREST

- **right to liberty and security of person and to freedom of movement**
- **prohibition of arbitrary arrest**
- **requirement of legal grounds and procedures**
- **right to be informed of reasons at time of arrest**
- **right to be promptly informed of any charges**
- **right to be brought promptly before a judge**
- **right to judicial determination of legality of arrest/detention, and to release where so decided**
- **right to trial within reasonable time, or release**
- **right to adequate access to a lawyer**
- **right not to confess or testify against oneself**
- **right to an interpreter where necessary**
- **prompt notification of family**

THE “48-HOUR RULE”

- Every person arrested and detained should be brought before a court *as soon as reasonably possible but no later than 48 hours after arrest* in order to:
 - be charged
 - be considered for bail or release
- If the 48-hour period expires on a day that is not a court day (such as a weekend or holiday), the accused must be brought before a court on the first court day after the 48-hour period has expired
- If the 48-hour rule is not observed, the accused should be released
- The purpose of the 48-hour rule is:

to ensure court supervision in all matters of detention in order to preserve the rule of law and to protect human rights
- The 48-hour rule *does not mean*:
 - automatic bail for the accused (the accused may, for example, be remanded in custody)
 - that the investigation must be completed within 48 hours

DETENTION OR RELEASE?

General Principle:

“It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees...”

(ICCPR, article 9 (3))

Questions:

- 1. What are reasonable grounds to believe the person has committed the offence?**
- 2. Would the deprivation of liberty be disproportionate to the alleged offence and expected sentence?**
- 3. Is there a danger that the suspect will abscond?**
- 4. Is there a danger to the suspect if released?**
- 5. Is there a significant danger that the suspect will commit further offences?**
- 6. Is there a danger of serious interference with the course of justice if the suspect is released?**
- 7. Would bail or release on condition be sufficient?**

Considerations for Questions 3, 5, 6 and 7:

- nature of the offence**
- community ties**
- social circumstances**
- likely penalty**
- seriousness of the offence**
- strength of the evidence**
- personal circumstances**
- conduct of the suspect**

Mandatory Arrest Record Information

(Copy to arrestee/legal counsel)

Personal data on arrestee (name, address, gender, description, etc.)

Arresting officer(s) _____

Reason for arrest _____

Date/time of arrest _____

Place of arrest _____

Date/time of transfer to place of custody _____

Custodial officer receiving arrestee _____

Precise information on place of custody _____

Details of interrogation _____

Time of appearance before judge _____

Details of judicial appearance (who, where) _____

Information on all other involved officers _____

(Use additional pages as required for all items)

Session outline seven: Detention

Objectives

Participants will have a basic knowledge of the international standards for conditions of detention and the treatment of detainees, and the ability to practice the application of those standards.

Sources

UDHR (arts. 5 and 11)

ICCPR (arts. 7, 9, 10 and 14)

SMRTP (rules 5, 6(2), 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 41, 42, 44(3), 53, 66, 71(5), 77, 82, 83, 84(2), 85(1), 85(2), 86, 87, 88, 91, 92 and 93)

Basic Principles for the Treatment of Prisoners (principle 3)

Principles on Detention or Imprisonment (principles 1, 5(2), 6, 8, 10, 11, 12, 14, 15, 16(1), 17, 18, 19, 21(1), 22, 24, 25, 26, 30, 32, 36 and 37)

Declaration on Enforced Disappearance (article 10)

Principles on Summary Executions (principle 6)

Torture Convention (preamble, art. 2)

Beijing Rules (rules 1, 2, 3, 4, 5, 6, 7 and 8)

Standards

Pre-trial detention shall be the exception rather than the rule.⁵⁷

All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.⁵⁸

Everyone charged with a penal offence shall be presumed innocent until proved guilty in a fair trial.⁵⁹

No detainee shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, or to any form of violence or threats.⁶⁰

Detained persons shall be held only in officially recognized places of detention, and their family and legal representatives are to receive full information.⁶¹

Juveniles are to be separated from adults, women from men, and unconvicted persons from convicted persons.⁶²

Decisions about the duration and legality of detention are to be made by a judicial or equivalent authority.⁶³

The detainee shall have the right to be informed of the reason for detention and any charges against him.⁶⁴

Detainees have the right to contact with the outside world, to visits from family members, and to communicate privately and in person with a legal representative.⁶⁵

⁵⁷ ICCPR, article 9(3); Principles on Detention or Imprisonment, principle 37.

⁵⁸ ICCPR, article 10; Principles on Detention or Imprisonment, principle 1.

⁵⁹ UDHR, article 11; ICCPR, article 14(2); SMRTP, rule 84(2); Principles on Detention or Imprisonment, principle 36.

⁶⁰ UDHR, article 5; ICCPR, article 7; Torture Convention, preamble and article 2; SMRTP, rule 31; Principles on Detention or Imprisonment, principle 6.

⁶¹ Principles on Detention or Imprisonment, principles 12 and 16(1); SMRTP, rules 7, 44(3) and 92; Declaration on Enforced Disappearance, article 10; Principles on Summary Execution, principle 6.

⁶² ICCPR, article 10; CRC, article 37; SMRTP, rules 5, 8, 53, 85(1) and 85(2); Principles on Detention or Imprisonment, principles 5(2) and 8; Beijing Rules, see generally, Part 1, rules 1-8.

⁶³ ICCPR, article 9(4); Principles on Detention or Imprisonment, principles 32 and 37; Declaration on Enforced Disappearance, article 10(1).

⁶⁴ ICCPR, article 9(2); Principles on Detention or Imprisonment, principles 10, 11, 12(2) and 14.

⁶⁵ UDHR, article 11; ICCPR, article 14; Principles on Detention or Imprisonment, principles 15, 17, 18 and 19; SMRTP, rules 92 and 93.

Detainees shall be kept in humane facilities, designed to preserve health, and shall be provided with adequate food, water, shelter, clothing, medical services, exercise and items of personal hygiene.⁶⁶

The religious and moral beliefs of detainees shall be respected.⁶⁷

Every detainee shall have the right to appear before a judicial authority, and to have the legality of his detention reviewed.⁶⁸

The rights and special status of women and juvenile detainees are to be respected.⁶⁹

No one shall take advantage of the situation of a detained person to compel him to confess or to otherwise incriminate himself or another person.⁷⁰

Measures for discipline and order shall only be those set out in law and regulations, shall not exceed those necessary for safe custody, and shall not be inhumane.⁷¹

Practice

All police officials

Enrol in training programmes to sharpen your counselling, riot control, first aid, self-defence, conflict resolution and supervisory skills.

Study the entry, review and assessment records of all detainees to be aware of persons at risk.

Facilitate visits by clergy, legal representatives, family members, inspectors and medical personnel.

Study and employ modern best practice techniques for interviewing.

Wear a clearly visible identity badge at all times.

Do not enter the facility carrying a firearm, except to transport a detainee outside.

Carry out regular checks of detainees to ensure safety and security.

Consult closely with medical personnel on all matters of diet, restraint and discipline.

Report immediately any suspicion of mistreatment of detainees, physical or mental.

Never use restraint instruments for punishment. Use them only where necessary to prevent escape during transfer, on certified medical grounds, or on the order of the Director, where other methods have failed, for the purpose of preventing injury to the detainee or others, or damage to the facility.

Facilitate the use of recreational materials, books and writing materials.

Carefully study rules on the use of force.

Review and follow relevant recommendations set out below for command and supervisory officials.

Command and supervisory officials

Establish, disseminate and enforce, and regularly review standing orders on the treatment of detainees.

Provide specialized training to all staff charged with duties in detention facilities.

Adopt special measures to ensure respect for the religious and moral beliefs of detainees, including dietary customs.

⁶⁶ ICCPR, article 10(1); Principles on Detention or Imprisonment, principles 1, 22, 24, 25 and 26; SMRTP, rules 9-14, 15-16, 17-19, 20, 21, 22-26, 66, 82-83, 86-88 and 91.

⁶⁷ Basic Principles for the Treatment of Prisoners (hereinafter "BPT"), principle 3; SMRTP, rules 6(2), 41 and 42.

⁶⁸ ICCPR, article 9(4); Principles on Detention or Imprisonment, principle 32.

⁶⁹ ICCPR, article 10(2); CRC, articles 37 and 40; Principles on Detention or Imprisonment, principle 5(2); SMRTP, rule 8, 21(2), 23, 53, 71(5), 77 and 85(2); Beijing Rules, Part I, rules 1-8.

⁷⁰ UDHR, article 11(1); ICCPR, article 14(3)(g); Principles on Detention or Imprisonment, principle 21(1).

⁷¹ ICCPR, article 10(1); Principles on Detention or Imprisonment, principle 30; SMRTP, rules 27, 29, 30 and 31.

Enforce a three-point notification system: notice of reason for detention (immediate); notice of charges (prompt); notice of rights of detainee (twice: concurrent with notice of reasons and again with notice of charges).

In making assignments, arrange to have officers supervising detainees independent from arresting officers and investigating officers.

Meet periodically with the prosecutor, a judge, police investigators and social workers to assist in identifying persons for whom detention is no longer necessary.

Assign female staff to guard, search and supervise female detainees. Prohibit the entry into female sections of male staff, except in emergencies.

Assign a special room, separate from family visit areas, for detainees to meet privately with legal counsel.

Arrange a meeting area for normal face-to-face visits, with a grill, table or similar divider between visitor and detainee.

Strongly prohibit, immediately investigate and severely punish, including through initiation of criminal action, every act of torture or cruel, inhuman or degrading treatment or punishment.

Provide for meals, meeting basic dietary needs, at regular times, with no more than 15 hours between morning and evening meals.

Assign at least one officer to be on duty at all times with training in psychological care and counselling, including suicide prevention.

Assess all detainees, upon entry, for signs of illness, injury, alcohol or drug intoxication, and mental illness.

Handle minor matters of discipline discreetly and routinely. Handle more serious matters with pre-established procedures, the existence of which have been explained to all detainees upon entry.

Officers in detention areas should not carry firearms, except when transporting detainees outside the facility.

Train all officers assigned to detention areas in non-lethal control methods, and in riot control techniques and equipment use.

Require all detention officers to wear clearly visible identity badges to facilitate accurate reporting of violations.

Establish a positive relationship with the International Committee of the Red Cross (ICRC) and other such organizations.

Establish and inform staff of a range of penalties for violations, ranging, as appropriate, from suspension, pay-docking and termination to criminal prosecution for serious violations.

Questions

1. You have arrested a man who has concealed a bomb somewhere in a city centre. It is due to explode within one hour and he will not tell you where it is. Are you justified in torturing him to make him disclose its whereabouts?
2. In what ways can the training of law enforcement officials take full account of the prohibition on torture as required by international standards?
3. Why is it important for accused persons to be segregated from convicted persons and given separate treatment?
4. Why is it important to divert juvenile offenders from the criminal justice system, as required by the Standard Minimum Rules for the Administration of Juvenile Justice?

5. What are the advantages in having specialist police units to deal with juveniles and juvenile crime?
6. What personal and psychological factors may affect the ability of a detainee who is being interviewed to make free decisions and rational judgements?
7. In what ways will the conduct of an interview differ if the interview is used for the purpose of fact-finding and information-gathering rather than purely to secure a confession?
8. What personal qualities are necessary in a police officer for him or her to be an effective and ethical interviewer? Is it possible to train people to carry out effective and ethical interviews or is it an inborn skill?
9. What are the advantages and disadvantages of making video recordings of police interviews of suspects? Specify all the purposes for which they could be used.
10. It has been shown that people who have falsely confessed to crimes have been able to give convincing accounts of their involvement because police officers conducting interviews have unwittingly conveyed sufficient information about the crime for those accounts to be constructed. How can this be avoided?

Exercise

Detention

Role play on visits to prisons and detention centres

The Process: This exercise requires participants to perform certain tasks in a situation simulating “real life”. It will be used to practise skills relating to visits to places of detention in the mission area. A written factual situation is set out below (“the problem”). Each participant will be allocated a particular role (the CIVPOL officer, the detainee, the local police official, the witness, etc.). During the exercise, no one will be allowed to leave his or her assigned role for any reason. The process will then be discussed by the entire group at the end of the role play. This technique is intended to enable the participants to practice the necessary skills, to understand the perspectives of the various actors and to recognize the importance of certain issues likely to arise in such assignments.

The Problem: Under an agreement between the Government and UNSAME, and following from certain terms of the peace agreements, United Nations CIVPOL offices are to be given “reasonable access to places of detention” for the purposes of interviewing “selected detainees”, inspecting facilities and advising the local authorities. You have received information about abuses at a local police detention centre, known as “Z-21”. It has been alleged that conditions are sub-standard and that a certain detainee named Steven K. has been subjected to torture. The commander of Z-21, Exland Police Commander Jones, is known to be a particularly ruthless official in his treatment of detainees and generally opposed to “interference from outsiders”. You seek access to inspect the prison and interview Steven K.

The Roles:

CIVPOL Officer Smith (who seeks to inspect Z-21 and interview Steven K.)

Commander Jones (who wants neither “outside interference” nor additional attention to Z-21)

Detainee Steven K. (who has allegedly been mistreated in custody)

Witness (former detainee) David W. (who claims to know of the abuse and conditions)

ICRC delegate Henri D. (who has himself visited Z-21 under a separate agreement)

United Nations human rights monitor Nelson R. (who has information on prison conditions in general and who is charged with channelling complaints to United Nations human rights mechanisms)

The Tasks: CIVPOL Officer Smith should commence the investigation, collect preliminary information, negotiate access to Z-21 and the terms of the visit, and take appropriate follow-up action as necessary. He should refer to the main international instruments regulating prison conditions and should seek information on each of the standards contained in those instruments.

**MODEL OVERHEAD TRANSPARENCIES
FOR USE WITH SESSION 7
(DETENTION)**

RIGHT TO LIBERTY AND SECURITY OF PERSON (UDHR, ICCPR)

Arbitrary arrest and detention

Deprivation of liberty, without legal reason or process, by an act of Government or with its complicity, tolerance or acquiescence.

What is “arbitrary”?

- not based on legal grounds
- not respecting legal procedures
- not reasonable/appropriate in the circumstances
- not proportional to the legal objectives
- discriminatory
- not predictable
- without fair, solid and substantial cause
- unduly intrusive vis-à-vis other rights

RIGHT TO LIFE AND TO LIBERTY AND SECURITY OF PERSON

(UDHR, ICCPR)

Enforced or involuntary disappearance:

- **Arrest, detention, abduction or other deprivation of liberty, by Government or with its complicity, tolerance or acquiescence, where the Government fails to disclose the fate or whereabouts of the victim or to confirm custody.**

DETAINEES

Definitions:

Detainee:

- **Person deprived of his/her personal liberty pending trial (unconvicted)**

Prisoner:

- **Person deprived of his/her personal liberty as a result of conviction for an offence (convicted)**

THE TREATMENT OF DETAINEES

- **presumption of innocence**
- **treatment which is humane and respects the inherent dignity of the human person**
- **absolute prohibition of torture and cruel, inhuman or degrading treatment or punishment**
- **prohibition of violence or threats**
- **respect for religious and moral beliefs**
- **respect for the special status and rights of women**
- **respect for the special status and rights of juveniles**
- **prohibition on taking advantage of a detainee's situation to force confession or self-incrimination**
- **requirement that measures for discipline and order be set out in law and regulations, and**
- **limitation of measures for discipline and order to those necessary for safe custody**

DETENTION

Classification and Segregation

Unconvicted	Convicted
Women	Men
Juveniles	Adults
Ordinary population	Dangerous detainees
Physically ill in medical facility	Mentally ill in mental health institutions

THE FACILITIES FOR DETENTION

- **officially recognized places of detention only**
- **humane**
- **healthy**
- **adequate food**
- **adequate water**
- **adequate shelter**
- **adequate clothing**
- **adequate medical services**
- **adequate exercise facilities and opportunities**
- **adequate items and facilities for personal hygiene**

OUTSIDE CONTACTS FOR DETAINEES

Visits from and communications with:

- **legal representatives**
- **family**
- **prison inspectors (national commissions and agencies, ICRC, UN, others)**
- **medical personnel**
- **a judge**
- **religious authorities**

DEFINITION OF TORTURE

A summary of article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

TORTURE MEANS:

WHAT	FOR WHAT PURPOSE	BY WHOM
<p>an act inflicting</p> <ul style="list-style-type: none"> • severe pain or suffering • either physical or mental pain • which is done intentionally 	<p>for such purposes as</p> <ul style="list-style-type: none"> • obtaining information • obtaining a confession • punishing for an act committed or suspected of having been committed • intimidating or coercing someone • discrimination of any kind 	<p>by a public official or any person acting in an official capacity</p> <ul style="list-style-type: none"> • inflicted directly by the official, or • at the instigation of the official, or • with the acquiescence of the official

- **Torture does not include pain or suffering arising only from lawful sanctions**
- **There can be no justification for torture, not even a state of war or emergency or orders from a superior officer or a public authority (article 2)**
- **Other acts of cruel, inhuman or degrading treatment or punishment, which do not amount to torture as defined in article 1, shall also be prohibited and prevented (article 16)**

DETAINEES

The role of the judge in detention:

- **decisions on legality of detention**
- **decisions on duration of detention**
- **decisions on necessity of detention**
- **ordering release**
- **setting trial date**
- **supervision and inspection**
- **determining bail, recognizance, conditional release**

MONITORING PLACES OF DETENTION

CHECK AND CONFIRM THE RECORDS!

- CELL BOOK (POLICE)

- FILE (PRISONS)
 - ENTRY DATE

 - CHARGE

 - CURRENT REMAND FORM

 - RENEWALS FOR REMAND

CONSULT THE FILES IN DETAINEE INTERVIEWS

Session outline eight: The use of force and firearms

Objectives

Participants will be familiar with international rules governing the use of force and firearms, their impact on the rights to life and security of person, and international requirements for the appropriate use of force and firearms for lawful policing purposes.

Sources

UDHR (arts. 3 and 5)

ICCPR (arts. 6, 7 and 9)

Torture Convention (preamble, paras. 4 and 6; arts. 1, 2 and 4)

Principles on Force and Firearms (principles 2, 4, 5, 6, 7, 8, 9, 10, 11(f), 20, 22, 23, 24, 25 and 26)

Standards

Use of force

Everyone has the right to life, security of person, and freedom from torture and cruel, inhuman or degrading treatment or punishment.⁷²

Non-violent means are to be attempted first.⁷³

Force is to be used only when strictly necessary.⁷⁴

Force is to be used only for lawful law enforcement purposes.⁷⁵

No exceptions or excuses shall be allowed for unlawful use of force.⁷⁶

Use of force shall always be proportional to lawful objectives.⁷⁷

Restraint is to be exercised in the use of force.⁷⁸

Damage and injury are to be minimized.⁷⁹

A range of means for differentiated use of force is to be made available.⁸⁰

All officers are to be trained in the use of the various means for differentiated use of force.⁸¹

All officers are to be trained in the use of non-violent means.⁸²

Accountability for the use of force and firearms

All incidents of the use of force or firearms shall be followed by reporting and review by superior officials.⁸³

Superior officials shall be held responsible for the actions of police under their command if the superior official knew or should have known of abuses but failed to take concrete action.⁸⁴

Officials who refuse unlawful superior orders shall be given immunity.⁸⁵

⁷² UDHR, articles 3 and 5; ICCPR, articles 6, 7 and 9; Torture Convention, preambular paragraphs 4 and 6, and articles 1, 2 and 4.

⁷³ Principles on Force and Firearms, principle 4.

⁷⁴ Principles on Force and Firearms, principles 4 and 5.

⁷⁵ Principles on Force and Firearms, principles 5 and 7.

⁷⁶ Principles on Force and Firearms, principle 8.

⁷⁷ Principles on Force and Firearms, principles 2 and 5(a).

⁷⁸ Principles on Force and Firearms, principles 2, 5(a) and 9.

⁷⁹ Principles on Force and Firearms, principle 5(b).

⁸⁰ Principles on Force and Firearms, principle 2.

⁸¹ Principles on Force and Firearms, principles 4, 19 and 20.

⁸² Principles on Force and Firearms, principles 4 and 20.

⁸³ Principles on Force and Firearms, principles 6, 11(f) and 22.

⁸⁴ Principles on Force and Firearms, principle 24.

⁸⁵ Principles on Force and Firearms, principle 25.

Officials who commit abuses of these rules shall not be excused on the grounds that they were following superior orders.⁸⁶

Permissible circumstances for the use of firearms

Firearms are to be used only in extreme circumstances.⁸⁷

Firearms are to be used only in self-defence or in defence of others against the imminent threat of death or serious injury.⁸⁸

-or-

To prevent a particularly serious crime that involves a grave threat to life.⁸⁹

-or-

To arrest or prevent the escape of a person posing such a threat and who is resisting efforts to stop the threat.⁹⁰

-and-

In every case, only when less extreme measures are insufficient.⁹¹

Intentional lethal use of force and firearms shall be permitted only when strictly unavoidable in order to protect human life.⁹²

Procedures for the use of firearms

The officer is to identify himself/herself as a police official.⁹³

-and-

The officer is to give a clear warning.⁹⁴

-and-

The officer is to allow adequate time for the warning to be obeyed.⁹⁵

-but-

This shall not be required if the delay would result in death or serious injury to the officer or others.⁹⁶

-or-

It is clearly pointless or inappropriate in the circumstances to do so.⁹⁷

After the use of firearms

Medical aid is to be rendered to all injured persons.⁹⁸

The relatives or friends of those affected are to be notified.⁹⁹

Investigations are to be conducted where requested or required.¹⁰⁰

A full and detailed report of the incident is to be provided.¹⁰¹

⁸⁶ Principles on Force and Firearms, principle 26.

⁸⁷ Principles on Force and Firearms, principle 4.

⁸⁸ Principles on Force and Firearms, principle 9.

⁸⁹ Principles on Force and Firearms, principle 9.

⁹⁰ Principles on Force and Firearms, principle 9.

⁹¹ Principles on Force and Firearms, principle 9.

⁹² Principles on Force and Firearms, principle 9.

⁹³ Principles on Force and Firearms, principle 10.

⁹⁴ Principles on Force and Firearms, principle 10.

⁹⁵ Principles on Force and Firearms, principle 10.

⁹⁶ Principles on Force and Firearms, principle 10.

⁹⁷ Principles on Force and Firearms, principle 10.

⁹⁸ Principles on Force and Firearms, principle 5(c).

⁹⁹ Principles on Force and Firearms, principle 5(d).

¹⁰⁰ Principles on Force and Firearms, principles 6, 11(f), 22 and 23.

¹⁰¹ Principles on Force and Firearms, principle 22.

Practice

All police officials

Enrol in training programmes to improve your skills in first aid; self-defence; the use of defensive equipment; the use of non-lethal instruments; the use of firearms; crowd behaviour; conflict resolution and personal stress management.

Acquire and practice the use of shields, defensive vests, helmets and non-lethal instruments.

Acquire, practice and use a range of means for the differentiated use of force, including non-lethal incapacitating weapons.

Participate in stress counselling activities.

Carefully store and secure all firearms issued to you.

Assume that every firearm is loaded.

Study and employ techniques for persuasion, mediation and negotiation.

Plan in advance for the gradual progressive use of force, beginning with non-violent means.

Be alert to the physical and mental state of your colleagues and intervene where necessary to see that they receive appropriate care, counselling or training.

Command and supervisory officials

Establish and enforce clear standing orders on the use of force and firearms.

Provide regular training in first aid; self defence; the use of defensive equipment; the use of non-lethal weapons; the use of firearms; crowd behaviour; conflict resolution; stress management; persuasion, mediation and negotiation.

Acquire and issue defensive equipment, including helmets, shields, bullet-proof vests, gas masks and bullet-proof vehicles.

Acquire and issue non-lethal incapacitating and crowd dispersal instruments.

Acquire the broadest possible range of means for the differentiated use of force.

Provide for periodic assessments of officers to gauge on a continuous basis their mental and physical health and suitability to judge the need for and use of force and firearms.

Provide stress counselling for all officers involved in the use of force.

Establish clear reporting guidelines for every incidence of the use of force and firearms.

Strictly regulate the control, storage and issue of firearms, including procedures for ensuring that officers are accountable for arms and ammunition issued to them.

Prohibit the use of weapons and ammunition that cause unwarranted injury, damage or risk.

Periodically check to ensure that only officially issued weapons and ammunition are being carried by officers. Provide for appropriate sanctions against any officer found in possession of non-official issue materials (especially such items as fragmentation, hollow-point or dum-dum bullets).

Develop strategies to reduce the risk of officers being forced to use firearms.

Questions

1. Why do States and the international community impose restrictions on the use of force by police?
2. How do abuses and excesses in the use of force by police make their task more difficult?
3. What is meant by the term “proportionate use of force” in relation to policing?
4. What alternatives are there to the use of force? What technical policing skills do they require and how can police officials be trained in them?
5. When is the intentional lethal use of force by police justified?
6. Why does international law not accept unlawful superior orders as a justification for human rights violations?
7. How can police agencies make it easier for police officers to resist unlawful superior orders that may lead to human rights violations?
8. Consider the various ways in which police protect the right to life.
9. International standards governing the use of force by police encourage the use of non-lethal incapacitating weapons. What weapons of that nature are you aware of? How many types are available for your use and what are the dangers in using them? How can these dangers be overcome?
10. There is a requirement for law enforcement officials to report their use of force to superior officials. What levels of force should this apply to? How is it possible to describe different levels of force to police officers so that they may be aware of what they should report?

Exercise

Use of force and firearms

A Highlandian man, long unemployed and desperate for money, has broken into an electronic store and stolen a television set. The television set in one hand, and a large knife in the other, he runs from the store as the alarm sounds and threatens several bystanders who attempt to block his escape. Breaking through the crowd, he spots two police officers approaching in response to the alarm. He turns and runs to an open field, dropping the knife as he clutches the television set in flight. One of the officers draws his gun and shoots the thief in the back, killing him instantly. As rumours of the incident circulate, an angry crowd begins to gather at the Presidential Palace.

Arriving on the scene of a demonstration, you witness some two hundred Highlandians protesting angrily against the Government and its police. The crowd is organized in front of the Presidential Palace and is made up of men, women and children. Some fifteen police officers, wearing ordinary uniforms and carrying M-16 rifles, stand in formation with their backs to the high fence surrounding the Palace, facing the protesters.

A muscular young male protester picks up a bottle and throws it at the police. Three of the police officers break from formation and chase the protester, catching him against the fence. The protester resists arrest, throwing punches and kicks at the police. Responding with blows from their rifle butts, the police knock the man to the ground and handcuff him. The protester, face down and handcuffed on the pavement, squirms about, refusing to hold still. The police respond by continuing to kick, punch and hit him with the butts of their rifles. They deliver some 200 blows to the man's head and body, continuing in rage even after he lies motionless on the ground. The commander of the unit then orders them to carry the man into a police vehicle. They do so, leaving him in the parked and locked car, and then return to formation.

By then the crowd, having witnessed the incident, has turned violent. Riot police arrive in force and completely surround the protesters. Rocks and bottles begin to fly toward

the police, who stand with their rifles aimed at the protesters. Some of the protesters fall to the ground, clutching children and friends, and screaming in a general panic. Others rush forward towards the police. As the violence increases, the police open fire and several protesters fall as they are hit with rounds of live ammunition.

1. Refer to the international standards governing the use of force and firearms and determine what went wrong with regard to:
 - (a) The use of firearms on the thief in the first paragraph;
 - (b) The deployment and formation of the original 15 police officers;
 - (c) The equipment of the original 15 police officers;
 - (d) The use of force on the male protester in the third paragraph;
 - (e) The deployment and formation of the riot police in the fourth paragraph.
2. How are “non-lethal” means, such as tear gas and rubber bullets, sometimes used in violation of international standards governing the use of force and firearms?

**MODEL OVERHEAD TRANSPARENCIES
FOR USE WITH SESSION 8
(USE OF FORCE)**

USE OF FORCE

Police responsibilities:

- **enforce the law and maintain order**
- **exercise police powers lawfully and effectively**

The use of force may violate the most basic of human rights:

- **respect for the inherent dignity of the human person**
- **rights to life, liberty and security of person**

The use of force is therefore to be strictly regulated by law, controlled by superiors and subject to clear guidelines and basic principles

USE OF FORCE

Basic principles to observe always (“PLAN”):

- Proportionality
- Legality
- Accountability
- Necessity

References:

- **United Nations Code of Conduct for Law Enforcement Officials (article 3)**
- **United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials**

THE USE OF FORCE

- 1. Non-violent means to be attempted first**
- 2. Force to be used only when strictly necessary**
- 3. Force to be used only for lawful law enforcement purposes**
- 4. No exceptions or excuses for unlawful use of force**
- 5. Use of force to be proportional in all cases to lawful objectives**
- 6. Restraint to be exercised in the use of force**
- 7. Damage and injury to be minimized**
- 8. Range of means for differentiated use of force to be made available**
- 9. All officers to be trained in the use of various means for the differentiated use of force**
- 10. All officers to be trained in the use of non-violent means**

USE OF FIREARMS

Permissible circumstances:

- 1. Firearms to be used only in extreme circumstances**
- 2. Firearms to be used only in self-defence or defence of others against imminent threat of death or serious injury**

-or-

To prevent a particularly serious crime that involves a grave threat to life

-or-

To arrest or prevent the escape of a person posing such a threat and who is resisting efforts to stop the threat

-and-

In every case, only when less extreme measures are insufficient

- 3. Intentional lethal use of force and firearms shall be permitted only when strictly unavoidable in order to protect human life**

USE OF FIREARMS

Procedures for use of firearms:

- 1. Officer to identify himself/herself as police official**

-and-

- 2. Officer to give a clear warning**

-and-

- 3. Officer to allow adequate time for warning to be obeyed**

-but-

- This shall not be required if the delay would result in death or serious injury to the officer or others**

-or-

- It is clearly pointless or inappropriate in the circumstances to do so**

USE OF FIREARMS

After the use of firearms:

- 1. Render medical aid to all injured persons**
- 2. Notify relatives or friends of those affected**
- 3. Allow for investigation where requested or required**
- 4. Provide a full and detailed report of the incident**

USE OF FORCE AND FIREARMS

Accountability:

- 1. All incidents of the use of force or firearms shall be followed by reporting and review by superior officials**
- 2. Superior officials shall be held responsible for the actions of police under their command if the superior official knew or should have known of abuses but failed to take concrete action**
- 3. Officials who refuse unlawful superior orders shall be given immunity**
- 4. Officials who commit abuses of these rules shall not be excused on the grounds that they were following superior orders**

USE OF FORCE ANALYSIS

General analysis

Were non-violent means attempted first?

Was the use of force strictly necessary in the circumstances?

Was there a lawful law enforcement/public safety purpose for use of force?

Was the type and amount of force proportionate to the lawful objectives?

Was restraint exercised in the use of force?

Were damage and injury minimized to the extent possible?

Was a range of means for differentiated use of force available?

Were the involved personnel trained in the differentiated use of force?

Were they trained in the use of non-violent means?

USE OF FIREARMS

Analysis of circumstances

Were the circumstances extreme enough to justify the use of firearms?

Were firearms used only:

in self-defence or in defence of others against imminent threat of death or serious injury;

or

to prevent a particularly serious crime involving a grave threat to life;

or

to arrest or prevent the escape of a person posing such a threat and who was resisting efforts to stop the threat;

and

where less extreme measures were insufficient?

If the intentional lethal use of force and firearms was employed, was this strictly unavoidable in order to protect human life?

USE OF FIREARMS

Procedural analysis 1

Did the officer identify himself/herself as a police officer/government agent?

Did the officer give a clear warning?

Did the officer allow adequate time for the warning to be obeyed?

If not, is there reason to believe that following such procedures would have resulted in the death of or serious injury to the officer or others, or that it would have been clearly pointless or inappropriate in the circumstances to do so?

USE OF FIREARMS

Procedural analysis 2

Was medical aid rendered promptly to all injured persons?

Were the relatives/friends of the injured notified?

Was an investigation initiated where requested/required?

Did the responsible agency prepare an incident report?

USE OF FORCE AND FIREARMS

Accountability analysis

Was the procedure of reporting and review by senior officials followed?

Were any persons who refused unlawful superior orders given immunity? (They must be immune.)

Were any persons who violated these rules excused on the grounds that they were following superior orders? (They must be held accountable even if they were following superior orders.)

Note: superior officials are legally responsible for the actions of officers under their command if the superior official knew or should have known of abuses but failed to take concrete action.

CONTROLLING THE USE OF FORCE AND FIREARMS

Control point	Focus
RECRUITMENT	Candidates of appropriate fitness and character
TRAINING	Use of force, firearms, first aid, self-defence, use of defensive equipment, use of non-lethal instruments, crowd behaviour and control, negotiation, conflict resolution, personal stress management
REGULATIONS MONITORING	Enforced, clear, formal rules, regulations, policies and standing orders reflecting standards on the use of force and firearms Of all force and firearm incidents, officer fitness, equipment and supplies, stress levels, training levels, control, storage and issue of weapons and ammunition
REPORTING	Of all incidents of use of force and firearms, with clear reporting guidelines and appropriate follow-up and review by superior officials
DISCIPLINE	Of violating officers and superiors who knew or should have known of abuses
COUNSELLING	Stress management, preventive and post-incident counselling for officers
STRATEGY	Strategies to reduce the risk of officers being forced to resort to firearms (negotiation, gradual progression, range of means, defensive techniques, strategic deployment, non-provocative approaches, etc.)
EQUIPMENT	First aid tools, defensive shields, vests and helmets, range of means for differentiated use of force, non-lethal instruments, communication equipment

Session outline nine: Civil disorder, states of emergency and armed conflict

Objectives

Participants will have an overall understanding of human rights and humanitarian law standards applicable to policing during exceptional circumstances and to limitations on rights or exceptional measures adopted during periods characterized by such circumstances.

Civil disorder

Sources

UDHR (arts. 13, 18, 19, 20 and 29(2))

ICCPR (arts. 4, 9, 12, 18, 19, 21 and 22)

Principles on Force and Firearms (principles 2, 4, 5, 7, 12, 13 and 14)

Basic Principles on the Independence of the Judiciary (principles 1, 2, 3, 4, 5, 6 and 7)

“Guidelines for the development of legislation on states of emergency” in *The Administration of Justice and the Human Rights of Detainees: Question of Human Rights and States of Emergency*, Sub-Commission on Prevention of Discrimination and Protection of Minorities, United Nations document E/CN.4/Sub.2/1991/28.

Standards

All measures for the restoration of order shall respect human rights.¹⁰²

Restoration of order shall be achieved without discrimination.¹⁰³

Any limitations on rights shall be only those determined by law.¹⁰⁴

Any action taken and any limitations on rights shall be solely for the purpose of securing respect for the rights and freedoms of others, and for meeting the just requirements of morality, public order and general welfare.¹⁰⁵

Any action taken and any limitations on rights shall be only those consistent with the requirements of a democratic society.¹⁰⁶

No exceptions shall be allowed with regard to the right to life; the right to freedom from torture; the prohibition of slavery; the prohibition of imprisonment for failure to fulfil a contractual obligation; the prohibition of ex post facto laws; the recognition of everyone as a person before the law; or freedom of thought, conscience and religion.¹⁰⁷

Non-violent means shall be attempted before the use of force.¹⁰⁸

Force shall be used only when strictly necessary.¹⁰⁹

Force shall be used only for lawful law enforcement purposes.¹¹⁰

¹⁰² UDHR, article 29(2); ICCPR, article 4.

¹⁰³ UDHR, article 29(2); ICCPR, article 4.

¹⁰⁴ UDHR, article 29(2); ICCPR, articles 4 and 9.

¹⁰⁵ UDHR, article 29(2); ICCPR, article 4.

¹⁰⁶ UDHR, article 29(2); ICCPR, article 4.

¹⁰⁷ UDHR, article 29(2); ICCPR, article 4(2).

¹⁰⁸ Principles on Force and Firearms, principle 4.

¹⁰⁹ Principles on Force and Firearms, principle 4.

¹¹⁰ Principles on Force and Firearms, principles 5 and 7.

Force applied shall be proportionate to lawful law enforcement objectives.¹¹¹

Every effort shall be made to limit damage and injury.¹¹²

A range of means for the differentiated use of force shall be available.¹¹³

No unnecessary limitations on the rights to free speech, assembly, association or movement shall be imposed.¹¹⁴

No limitations shall be imposed on freedom of opinion.¹¹⁵

The independent functioning of the judiciary shall be maintained.¹¹⁶

All wounded and traumatized persons shall be immediately cared for.¹¹⁷

Practice

All police officials

Adopt community policing strategies and monitor levels of social tension among various groups in society and between those groups and the authorities.

Be alert to any preparations for unlawful demonstrations.

Be tolerant of unlawful but peaceful non-threatening assemblies, so as not to escalate the situation unnecessarily.

Establish contact with representatives and with individuals in the crowd.

Where it is necessary to disperse a crowd, always leave a clear and obvious corridor of escape.

Deal with a crowd as a group of independently thinking individuals, not as a single-minded mass.

Avoid unnecessarily provocative tactics.

Develop crowd control techniques that minimize the need for the use of force.

Enrol in training programmes to improve your skills in first aid; self-defence; the use of defensive equipment; the use of non-lethal instruments; the use of firearms; crowd behaviour; conflict resolution; and personal stress management.

Acquire and practise the use of shields, defensive vests, helmets and non-lethal instruments.

Acquire, practise and utilise a range of means for the differentiated use of force, including non-lethal incapacitating weapons.

Study and employ techniques for persuasion, mediation and negotiation.

Plan in advance for the gradual progressive use of force, beginning with non-violent means.

Command and supervisory officials

Issue clear standing orders on respect for peaceful free assembly.

Introduce community policing strategies and monitor levels of social tension among various groups in society, and between those groups and the authorities.

¹¹¹ Principles on Force and Firearms, principles 2 and 5(a).

¹¹² Principles on Force and Firearms, principle 5(b).

¹¹³ Principles on Force and Firearms, principle 2.

¹¹⁴ UDHR, articles 13, 18, 19, 20 and 29(2); ICCPR, articles 4, 12, 18, 19, 21 and 22; Principles on Force and Firearms, principles 12-14.

¹¹⁵ UDHR, articles 19 and 29(2); ICCPR, articles 4 and 19.

¹¹⁶ Basic Principles on the Independence of the Judiciary, principles 1-7; United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, "Guidelines for the development of legislation on states of emergency", *The Administration of Justice and the Human Rights of Detainees: Question of Human Rights and States of Emergency*, United Nations document E/CN.4/Sub.2/1991/28.

¹¹⁷ Principles on Force and Firearms, principle 5(c).

Instruct officials to be tolerant of unlawful but peaceful non-threatening assemblies, so as not to escalate the situation unnecessarily. The paramount objectives to be remembered in developing crowd control strategies are the maintenance of order and safety, and the protection of human rights, not the enforcement of legal technicalities regarding permits or unlawful but non-threatening behaviour.

Establish and enforce clear standing orders on the use of force and firearms.

Provide regular training in first aid; self-defence; the use of defensive equipment; the use of non-lethal weapons; the use of firearms; crowd behaviour; conflict resolution; stress management; persuasion, mediation and negotiation.

Acquire and issue defensive equipment, including helmets, shields, bullet-proof vests, gasmasks and bullet-proof vehicles.

Acquire and issue non-lethal incapacitating and crowd dispersal instruments.

Acquire the broadest possible range of means for the differentiated use of force.

Establish clear reporting guidelines for every incidence of the use of force and firearms.

Strictly regulate the control, storage and issue of firearms, including procedures for ensuring that officers are accountable for arms and ammunition issued to them.

Prohibit the use of weapons and ammunition that cause unwarranted injury, damage or risk.

Develop strategies to reduce the risk of officers being forced to use firearms.

States of emergency

Sources

ICCPR (arts. 4 and 15(1))

“Guidelines for the development of legislation on states of emergency” in The Administration of Justice and the Human Rights of Detainees: Question of Human Rights and States of Emergency, Sub-Commission on Prevention of Discrimination and Protection of Minorities, United Nations document E/CN.4/Sub.2/1991/28.

Standards

States of emergency may be declared only in conformity with the law.¹¹⁸

States of emergency may be declared only where a public emergency threatens the life of the nation, and where ordinary measures are plainly inadequate to address the situation.¹¹⁹

States of emergency must be officially declared before exceptional measures may be taken.¹²⁰

Any exceptional measures must be strictly required by the exigencies of the situation.¹²¹

Any exceptional measures must not be inconsistent with other requirements under international law.¹²²

Any exceptional measures must not discriminate solely on the basis of race, colour, gender, language, religion or social origin.¹²³

No exceptions are permitted with regard to the right to life; the prohibition of torture or cruel, inhuman and degrading treatment; the prohibition of slavery; the prohibition of imprisonment for failure to fulfil a contractual obligation; the prohibition of ex post facto laws; the recognition of everyone as a person before the law; or freedom of thought, conscience and religion.¹²⁴

No one may be held guilty of any criminal offence which was not an offence at the time it was committed.¹²⁵

No one may be subjected to a heavier penalty than that which was applicable at the time the offence was committed.¹²⁶

If the penalty for an offence is reduced by law subsequent to commission of the offence, the offender must benefit from the lighter penalty.¹²⁷

¹¹⁸ ICCPR, article 4.

¹¹⁹ ICCPR, article 4.

¹²⁰ ICCPR, article 4.

¹²¹ ICCPR, article 4.

¹²² ICCPR, article 4.

¹²³ ICCPR, article 4.

¹²⁴ ICCPR, article 4.

¹²⁵ ICCPR, articles 4 and 15(1).

¹²⁶ ICCPR, articles 4 and 15(1).

¹²⁷ ICCPR, articles 4 and 15(1).

Armed conflict

Sources

First Geneva Convention (arts. 3, 7, 8, 9, 10, 12, 46, 50 and 63)
Second Geneva Convention (arts. 3, 7, 8, 9, 10, 12, 47, 51 and 62)
Third Geneva Convention (arts. 3, 7, 8, 9, 10, 13, 14, 15, 16, 78, 126, 130 and 142)
Fourth Geneva Convention (arts. 3, 4, 8, 9, 10, 11, 13, 14, 27, 33, 54, 143, 147 and 158)
Protocol I (arts. 1, 10, 20, 43(3), 50(1,2), 51, 52, 53, 54, 55, 56, 75, 81 and 85)
Protocol II (arts. 1, 4, 7, 8, 13, 14, 15, 16, 17 and 18)

Standards

During armed conflicts and occupation, police are to be considered non-combatants unless they are formally incorporated in the armed forces.¹²⁸

Police have a right to abstain from fulfilling their functions under occupation for reasons of conscience, and this shall not result in an alteration of their status.¹²⁹

Humanitarian law applies in all situations of armed conflict.¹³⁰

Principles of humanity must be safeguarded in all situations.¹³¹

Non-combatants and persons put out of action by injury, sickness, capture or any other cause must be respected and protected.¹³²

Persons suffering from the effects of war must be aided and cared for without discrimination.¹³³

Acts prohibited in all circumstances include:

- Murder
- Torture
- Corporal punishment
- Mutilation
- Outrages on personal dignity
- Hostage-taking
- Collective punishment
- Executions without regular trial
- Cruel and degrading treatment¹³⁴

¹²⁸ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in the Armed Forces in the Field (hereinafter "First Geneva Convention"), Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea (hereinafter "Second Geneva Convention"), Geneva Convention relative to the Treatment of Prisoners of War (hereinafter "Third Geneva Convention"), Geneva Convention relative to the Protection of Civilian Persons in Time of War (hereinafter "Fourth Geneva Convention"), common article 3 (hereinafter the four Conventions taken together will be designated "The Geneva Conventions"); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflict (Protocol I) (hereinafter "Protocol I"), articles 43(3) and 50(1,2).

¹²⁹ Fourth Geneva Convention, articles 27 and 54.

¹³⁰ The Geneva Conventions, article 3; Protocol I, article 1; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflict (Protocol II) (hereinafter "Protocol II"), article 1.

¹³¹ The Geneva Conventions, common article 3; First Geneva Convention, article 63; Second Geneva Convention, article 62; Third Geneva Convention, article 142; Fourth Geneva Convention, article 158; Protocol I, article 1; Protocol II, article 4.

¹³² The Geneva Conventions, common article 3; First Geneva Convention, article 12; Second Geneva Convention, article 12; Third Geneva Convention, articles 13 and 16; Fourth Geneva Convention, article 4; Protocol I, articles 10 and 75; Protocol II, articles 4, 7 and 8.

¹³³ The Geneva Conventions, common article 3; First Geneva Convention, article 12; Second Geneva Convention, article 12; Third Geneva Convention, articles 13-15; Fourth Geneva Convention, articles 13 and 14; Protocol I, article 10; Protocol II, article 7.

¹³⁴ The Geneva Conventions, common article 3; First Geneva Convention, article 50; Second Geneva Convention, article 51; Third Geneva Convention, articles 13 and 130; Fourth Geneva Convention, article 147; Protocol I, article 85; Protocol II, article 4.

Reprisals against the wounded, sick and shipwrecked, medical personnel and services, prisoners of war, civilians, civilian and cultural objects, the natural environment and works containing dangerous forces are prohibited.¹³⁵

No one may renounce or be forced to renounce protection under humanitarian law.¹³⁶

Protected persons must at all times have resort to a protecting power (a neutral State safeguarding their interests), the International Committee of the Red Cross (ICRC) or any other impartial humanitarian organization.¹³⁷

Practice

All civilian police officials

Undergo training in the requirements of human rights and humanitarian law during armed conflict.

Undergo training in first aid, disaster management and civil defence procedures.

Learn your agency's strategies for the maintenance of order and protection of the civilian population during periods of conflict.

Cooperate closely with medical services, fire-fighters, civilian authorities and the military.

Pay attention to the special needs of particularly vulnerable groups during such periods, including refugees and displaced persons, children and the injured.

Civilian police commanders and supervisors

Provide training to all officials in the requirements of human rights and humanitarian law during armed conflict.

Provide training in first aid, disaster management and civil defence procedures.

Develop clear strategies for the maintenance of order and protection of the civilian population during periods of conflict.

Develop standard emergency cooperative procedures for coordinated action with medical services, fire-fighters, civilian authorities and the military.

Issue clear instructions on the civilian status of the police during armed conflict.

Police incorporated in armed forces during conflict

Learn and apply the "soldier's rules":¹³⁸

"Be a disciplined soldier. Disobedience of the laws of war dishonours your army and yourself, and causes unnecessary suffering; far from weakening the enemy's will to fight, it often strengthens it.

Fight only enemy combatants and attack only military objectives.

Destroy no more than your mission requires.

Do not fight enemies who are 'out of combat' or who surrender. Disarm them and hand them over to your superior.

Collect and care for the wounded and sick, be they friend or foe.

Treat all civilians, and all enemies in your power, with humanity.

¹³⁵ First Geneva Convention, article 46; Second Geneva Convention, article 47; Third Geneva Convention, article 13; Fourth Geneva Convention, article 33; Protocol I, articles 20 and 51-56; Protocol II, articles 13-17.

¹³⁶ First Geneva Convention, article 7; Second Geneva Convention, article 7; Third Geneva Convention, article 7; Fourth Geneva Convention, article 8; Protocol I, article 1.

¹³⁷ First Geneva Convention, articles 8, 9 and 10; Second Geneva Convention, articles 8, 9 and 10; Third Geneva Convention, articles 8, 9, 10, 78 and 126; Fourth Geneva Convention, articles 9, 10, 11 and 143; Protocol I, article 81; Protocol II, article 18.

¹³⁸ Source of the "soldiers rules": International Committee of the Red Cross (see F. De Mulinen, "The Law of War and the Armed Forces" in the *International Review of the Red Cross*, January/February 1978 (reproduced by the Henry Dunant Institute as an offprint in its series *Ius in Bello*, No. 1)).

Prisoners of war must be treated humanely and are bound to give only information about their identity. No physical or mental torture of prisoners of war is permitted.

Do not take hostages.

Abstain from all acts of vengeance.

Respect all persons and objects bearing the emblem of the Red Cross, the Red Crescent, the white flag of truce or emblems designating cultural property.

Respect other people's property. Looting is prohibited.

Endeavour to prevent any breach of the above rules. Report any violation to your superior. Any breach of the laws of war is punishable."

Questions

1. Why do you think that in armed conflict the right of belligerents to adopt means of injuring the enemy is not unlimited? If you are fighting an enemy, why should you not be able to adopt any means you choose to injure him/her?
2. Consider and discuss some of the moral dilemmas facing a police official who is performing duty in a country that has been occupied by an enemy occupying power.
3. In what ways could a code of conduct setting out rules of behaviour during civil disorder assist the police?
4. Which non-derogable rights are most likely to be violated during armed conflict or serious civil disorder? Why are these human rights violated in such circumstances?
5. Why should the human rights of people who have committed acts of terrorism, or who are suspected of committing acts of terrorism, be respected?
6. In what ways can the police assist people in exercising their right to peaceful assembly?
7. What are the advantages and disadvantages of using the following when dealing with civil disorder: tear gas; baton rounds or "rubber bullets"; water cannon?
8. If a senior police officer commanding the policing operation at the scene of a serious riot orders a baton charge against a crowd of people, how can he/she remain in command and control of the situation to ensure that police officers do not use excessive force when following his/her orders?
9. There are advantages in having specially trained police units whose only function is to deal with civil disorder. There are also disadvantages – what are they and how can they be overcome?
10. Can the misuse of weapons intended to be non-lethal (such as tear gas and rubber bullets) cause fatalities and serious injuries? How? How can this be prevented?

Exercise

Policing during civil disorder, states of emergency and armed conflict

1. The armed conflict in Exland is far from over. In spite of the peace agreements and the presence of UNSAME, sporadic armed conflict continues in some northern areas of the country. The state of emergency remains in effect throughout the entire territory of Exland, and several incidents of civil disorder have occurred in the western town of New Geneva. The rest of the country is largely peaceful.
2. In an effort to restore order and to put down the armed uprising of Highlandian splinter groups opposed to the peace accords, the Government has adopted several exceptional measures.

3. It has formally incorporated the Exland police in the northern province into the armed forces, thereby charging them with military combat duties in addition to their law enforcement duties. All other police remain in the civilian command structure, though on heightened alert.
4. The Government has also imposed a strict police-enforced curfew on all Highlandians living outside the capital city, and has been carrying out mass arrests of suspected rebels, their families and their neighbours in the largely Highlandian towns of the northern province.
5. The police have also arrested a certain Cynthia T., known to be a high-ranking member of the most extreme of the rebel groups. They have information indicating that the suspect has personally planted a massive bomb somewhere in a large civilian centre and that it is due to explode within 24 hours. You have received information that the police are using torture on the suspect in order to force her to divulge the whereabouts of the bomb. The police, in response to your inquiry, admit that certain “exceptional techniques” are being used on Cynthia T. but remind you that a state of emergency is in effect and that exceptional measures are necessary to protect innocent life in this grave situation. They insist that the other detainees are being well-treated and that, with the exception of Cynthia, all other detainees are receiving daily visits from the ICRC.
6. Meanwhile, in the uppermost part of the northern province, government forces have launched a full-scale military offensive, and have captured seven consecutive rebel strongholds during days of heavy fighting. While many casualties have been reported, the Government has confirmed that it is holding no rebel soldiers as prisoners.
 - A. Does the state of emergency described in paragraph 1 appear to respect international standards for states of emergency? If so, why? If not, why not?
 - B. What is the significance, under international humanitarian law, of the incorporation (paragraph 3) of the northern province police into the armed forces? Does this have any impact on the status of the police serving outside the northern province?
 - C. Do the measures described in paragraph 4 respect international standards? If so, why? If not, why not?
 - D. How will you respond to the claims of the police in paragraph 5?
 - E. What violations of humanitarian law are suggested by paragraph 6?
 - F. “War is hell – human rights standards cannot apply in such situations.” Respond with reference to the international standards.

**MODEL OVERHEAD TRANSPARENCIES
FOR USE WITH SESSION 9
(CIVIL DISORDER, STATES OF EMERGENCY
AND ARMED CONFLICT)**

CIVIL DISORDER

- Restoration of order to be achieved without discrimination and only as determined by law (ICCPR 4)
- Purposes: securing respect for the *rights and freedoms of others*, and for meeting the just requirements of *morality, public order* and general welfare in a *democratic society*
- No exceptions shall be allowed with respect to the right to life; to freedom from torture; or to the prohibition of slavery (ICCPR 4.2)
- Non-violent means shall be attempted before the use of force (PFF 4)
- Force shall be used only when strictly necessary (PFF 4)
- Force shall be used only for lawful law enforcement purposes (PFF 5, 6 and 7)
- Force applied shall be proportionate to lawful law enforcement objectives (PFF 2 and 5a)
- Every effort shall be made to limit damage and injury (PFF 5B)
- A range of means for the differentiated use of force shall be available (PFF 2)
- No unnecessary limitations shall be imposed on the rights to free speech, assembly, association or movement (ICCPR 4, 12, 18, 19, 21 and 22, and PFF 12, 13 and 14)
- Care should be immediately provided for all wounded and traumatized persons (PFF 5c)

STATES OF EMERGENCY

A state of emergency may be legally declared if:

- **It is in conformity with the law**
- **A public emergency threatens the life of the nation and ordinary measures are plainly inadequate to address the situation**
- **It is officially declared**
- **Exceptional measures derogating from the ICCPR are strictly required by the exigencies of the situation**
- **Exceptional measures are not inconsistent with other obligations under international law**
- **Exceptional measures are not discriminatory**
- **Non-derogable rights are respected**

STATES OF EMERGENCY

NON-DEROGABLE RIGHTS (ICCPR - ART. 4)

- **Right to life**
- **Protection from torture and cruel, inhuman or degrading treatment or punishment**
- **Protection from slavery**
- **Freedom of thought, conscience and religion**
- **Right to recognition as a person before the law**
- **Prohibition of imprisonment for non-fulfilment of contractual obligations**
- **Prohibition of retroactivity of criminal law**

STATES OF EMERGENCY

Security measures and criminal law must not be retroactive:

- **No one may be held guilty of any criminal offence which was not an offence at the time it was committed**
- **No one may be subjected to a heavier penalty than that which was applicable at the time the offence was committed**
- **If the penalty for an offence is reduced by law after commission of the offence, the offender must receive the lighter penalty**

HUMANITARIAN LAW

Principles common to the four Geneva Conventions and the two additional Protocols

- **Humanitarian law applies in all situations of armed conflict**
- **Principles of humanity must be safeguarded in all situations**
- **Non-combatants and persons put out of action by injury, sickness, capture or any other cause must be respected and protected**
- **Persons suffering from the effects of war must be aided and cared for without discrimination**
- **Acts prohibited in all circumstances include:**
 - **murder**
 - **torture**
 - **corporal punishment**
 - **mutilation**
 - **outrages upon personal dignity**
 - **hostage-taking**
 - **collective punishment**
 - **executions without regular trial**
 - **cruel and degrading treatment**

HUMANITARIAN LAW

Principles common to the four Geneva Conventions and the two additional Protocols (continued)

- **Reprisals against the wounded, sick and shipwrecked, medical personnel and services, prisoners of war, civilians, civilian and cultural objects, the natural environment and works containing dangerous forces are prohibited**
- **No one may renounce or be forced to renounce protection under humanitarian law**
- **Protected persons must at all times have resort to a protecting power (a neutral State safeguarding their interests) or to the ICRC (International Committee of the Red Cross) or any other impartial humanitarian organization**

Common article 3 of the Geneva Conventions

- **Applies to non-international armed conflict**
- **Applies to both government and opposition forces**
- **Sets minimum standards:**
 - **requires humane treatment for persons not taking part in hostilities, including on account of surrender, sickness, wounds or detention, or for other reasons**
 - **prohibits discrimination, violence to life and person, murder, mutilation, cruel treatment, torture, hostage-taking, outrages on personal dignity, humiliating and degrading treatment, the passing of sentences and the carrying out of executions without previous judgement by a regularly constituted court affording full judicial guarantees**
 - **requires that the wounded and sick be collected and cared for**
- **Provides for ICRC or other neutral humanitarian services**
- **Encourages special agreements to bring other Geneva Convention provisions into force**
- **Does not affect the legal status of the parties**

MILITARY OPERATIONS

Use of force (1)

- **Humanitarian law applies in all situations of armed conflict**
- **Principles of humanity must be safeguarded in all situations**
- **Non-combatants and persons put out of action by injury, sickness, capture or any other cause must be respected and protected**
- **Persons suffering from the effects of war must be aided and cared for without discrimination**
- **Acts prohibited in all circumstances include:**
 - **murder**
 - **torture**
 - **corporal punishment**
 - **mutilation**
 - **outrages upon personal dignity**
 - **hostage-taking**
 - **collective punishment**
 - **executions without regular trial**
 - **cruel and degrading treatment**
- **Reprisals against the wounded, sick and shipwrecked, medical personnel and services, prisoners of war, civilians, civilian and cultural objects, the natural environment and works containing dangerous forces are prohibited**

MILITARY OPERATIONS

Use of force (2)

- **No one may renounce or be forced to renounce protection under humanitarian law**
- **Protected persons must at all times have resort to a protecting power (a neutral State safeguarding their interests) or to the ICRC or any other impartial humanitarian organization**
- **Only enemy combatants may be fought and only military objectives may be attacked**
- **Destruction in combat must be limited to mission requirements (proportionality)**
- **“Enemies” who are “out of combat” or who surrender must not be attacked. They may only be disarmed and handed over to superiors**
- **Prisoners of war must be treated humanely and are bound to give only information about their identity. No physical or mental torture of prisoners of war is permitted**
- **All persons and objects bearing the emblem of the Red Cross, the Red Crescent, the white flag of truce, or emblems designating cultural property or international mission identification must be protected**
- **Property is to be respected and looting is prohibited**

Applicability of human rights and humanitarian law

Situation	Applicable law
<p>International armed conflict Including wars between States and against colonial domination, alien occupation, racist regimes, in exercise of right to self-determination</p>	<p>Four Geneva Conventions of 1949: (1) Wounded and sick in the field (2) Shipwrecked (3) Prisoners of war (4) Civilian persons Additional Protocol I Other human rights provisions according to the local situation, as described below, and with no violation of non-derogable rights</p>
<p>Non-international armed conflict</p>	<p>Common article 3 of the Geneva Conventions (applies to government and opposition forces) Additional Protocol II Other human rights provisions, with no violation of non-derogable rights (see below)</p>
<p>Internal tensions: Disturbances; riots; isolated and sporadic acts of violence: public emergency which threatens the life of the nation, where measures normally compatible with constitution and laws in force are plainly inadequate to address the situation: State of emergency declared</p>	<p>All human rights, with the following exceptions: Derogations from certain rights may be permissible to the extent strictly required by the exigencies of the situation and only if not inconsistent with other requirements under international law. Such measures must not discriminate solely on the basis of race, colour, sex, language, religion or social origin. No derogation is permissible with regard to the right to life; the prohibition of torture; slavery; or imprisonment for failure to fulfil a contractual obligation</p>
<p>Internal tensions: Disturbances; riots; isolated and sporadic acts of violence; No state of emergency declared</p>	<p>All human rights without exception, subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society</p>
<p>Normal situations</p>	<p>All human rights without exception, subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society</p>

Session outline ten: Protection of juveniles

Objectives

Participants will have a basic understanding of the international human rights standards applying especially to juveniles in contact with the criminal justice system, and will be sensitized to the importance of protecting all children from abuse, and of measures to prevent juvenile crime.

Sources

UDHR (1 and 25(2))

CRC (preamble, arts. 3, 9, 19, 37 and 40)

SMRTP (rules 27, 28, 29, 30, 31, 32, 33, 34 and 37)

Beijing Rules (rules 1, 4, 5, 6, 10.1, 11, 13, 17.1, 17.2, 18, 19, 22, 26.3, 26.5 and 27)

United Nations Rules for Juveniles (rules 1, 2, 4, 8, 11(a), 14, 17, 29, 30, 31, 56, 57, 58, 59, 63, 64, 65, 66, 67, 72, 79, 80, 81, 82, 83, 84, 85, 86, 87 and 88)

Standards

Children are to benefit from all the human rights guarantees available to adults. In addition, the following rules are applicable to children:¹³⁹

Children shall be treated in a manner which promotes their sense of dignity and worth; which facilitates their reintegration into society; which reflects the best interests of the child; and which takes into account the needs of persons of their age.¹⁴⁰

Children shall not be subjected to torture; to cruel, inhuman or degrading treatment or punishment; to corporal punishment; or to life imprisonment without possibility of release.¹⁴¹

Detention or imprisonment of children shall be an extreme measure of last resort, and detention shall be for the shortest possible time.¹⁴²

Children shall be separated from adult detainees.¹⁴³

Detained children shall receive visits and correspondence from family members.¹⁴⁴

A minimum age for criminal responsibility shall be established.¹⁴⁵

Non-judicial proceedings and alternatives to institutional care shall be provided for.¹⁴⁶

The child's privacy shall be respected, and complete and secure records shall be maintained and kept confidential.¹⁴⁷

The use of physical restraints and force on children shall be exceptional and employed, for the shortest time possible, only when all other control measures have been exhausted and have failed.¹⁴⁸

Weapons shall not be carried in juvenile institutions.¹⁴⁹

¹³⁹ UDHR, articles 1 and 25(2); CRC, preamble.

¹⁴⁰ CRC, articles 3 and 37; The Beijing Rules, rules 1, 5, and 6; United Nations Rules for the Protection of Juveniles Deprived of their Liberty (hereinafter "United Nations Rules for Juveniles"), rules 1, 4, 14, 31, 79 and 80.

¹⁴¹ CRC, article 37(a); The Beijing Rules, rule 27; United Nations Rules for Juveniles, rules 64, 66 and 67.

¹⁴² CRC, article 37(b); The Beijing Rules, rules 13.1, 17.1(b), 18.1 and 19.1; United Nations Rules for Juveniles, rules 2 and 17.

¹⁴³ CRC, article 37(c); The Beijing Rules, rules 13.4 and 26.3; United Nations Rules for Juveniles, rule 29.

¹⁴⁴ CRC, articles 9 and 37(c); The Beijing Rules, rules 13.3 and 27.2; SMRTP, rule 37; United Nations Rules for Juveniles, rule 59.

¹⁴⁵ CRC, article 40(3)(a); The Beijing Rules, rule 4; United Nations Rules for Juveniles, rule 11(a).

¹⁴⁶ CRC, articles 37(b), 40(3)(b) and 40(4); The Beijing Rules, rules 11, 13, 17.1, 18 and 19; United Nations Rules for Juveniles, rules 2, 17 and 30.

¹⁴⁷ CRC, article 40(2)(b)(vii); The Beijing Rules, rule 27; United Nations Rules for Juveniles, rule 8.

¹⁴⁸ CRC, article 19; The Beijing Rules, rules 13.3 and 17.2; SMRTP, rules 27-34; United Nations Rules for Juveniles, rules 63 and 64.

¹⁴⁹ United Nations Rules for Juveniles, rule 65.

Discipline shall respect the child's dignity and shall instil in the child a sense of justice, self-respect and respect for human rights.¹⁵⁰

Officials dealing with juveniles shall be specially trained and personally suited to that purpose.¹⁵¹

Periodic as well as unannounced visits to juvenile facilities shall be undertaken by inspectors.¹⁵²

Parents are to be notified of any arrest, detention, transfer, sickness, injury or death.¹⁵³

Practice

All police officials

Enrol in specialized training on the effective and humane treatment and care of juvenile offenders.

Participate in educational programmes for children to assist in preventing juvenile crime and juvenile victimization.

Get to know the children in your duty area and their parents.

Be alert to places and adults presenting criminal risks and to the presence of children in such places or in contact with such adults.

If children are sighted away from school during school hours, investigate and notify parents and school authorities.

Promptly investigate any evidence of neglect or abuse of children in their homes, communities or police facilities.

Meet regularly with social workers and medical professionals to discuss children's issues relating to your work.

For non-serious crimes, return juvenile offenders to parents or social agencies.

Keep all records pertaining to children in separate and secure storage.

Report to superiors on any information indicating that a colleague is not suited to dealing with juveniles.

Command and supervisory officials

Encourage the use of a variety of dispositions for alternatives to institutional treatment of children, including care, guidance and supervision orders; counselling; probation; foster care; educational and vocational training programmes; and other appropriate and proportionate measures.

Keep complete and secure records on all detained juveniles, including identity; reasons for commitment; day and hour of admission, transfer and release; details of notifications to parents; physical or mental health problems; and staff charged with care and treatment.

Establish procedures for direct complaints and communications by juvenile detainees to the director of the institution or to judicial authorities and social agencies.

Assist in the development and implementation of community programmes for the prevention of juvenile crime.

Recruit, hire and specially train personnel who are suited to dealing with juvenile offenders.

¹⁵⁰ United Nations Rules for Juveniles, rule 66.

¹⁵¹ The Beijing Rules, rules 6 and 22; United Nations Rules for Juveniles, rules 81-88.

¹⁵² United Nations Rules for Juveniles, rule 72.

¹⁵³ CRC, articles 37(c) and 40(2)(b)(ii); The Beijing Rules, rules 10.1 and 26.5; SMRTP, rules 37 and 44; United Nations Rules for Juveniles, rules 56-58.

Provide for periodic review and revision of policies for the treatment of juvenile offenders, in consultation with social agencies, medical personnel, the judiciary and community representatives.

Establish expedited procedures for bringing detained juveniles before a court, where judicial action is appropriate.

Establish close liaison and cooperation with juvenile justice, child protection, medical and social agencies.

Develop strategies for regular attention to children in especially vulnerable circumstances such as extreme poverty, homelessness, abusive households or high crime areas.

If possible, establish a special juvenile unit for expert attention to juvenile crime and juvenile victimization incidents.

Issue clear orders on the confidential handling of juvenile records.

Closely supervise staff responsible for dealing with juveniles, and investigate and redress any incidents of abuse, mistreatment or exploitation of children.

Questions

1. "Labelling a young person 'delinquent' or 'criminal' often contributes to the development of a consistent pattern of anti-social and undesirable behaviour by that person." Do you agree? Give reasons for your response.
2. How does the criminal justice system in which you work ensure that reactions to juvenile offenders are always proportionate to the circumstances of the offenders and the offence? Suggest improvements that can be made to ensure greater proportionality.
3. Three important rights or procedural safeguards for juveniles suspected of crime are the right to remain silent; the right to legal counsel; and the right to the presence of a parent or guardian at all stages of the proceedings. How does the criminal justice system in which you work guarantee these rights? What limitations does it place on them? Suggest improvements to the system to ensure the guarantees.
4. In some jurisdictions police are involved in programmes for rehabilitation of juvenile offenders within the community. What are the advantages and disadvantages of police becoming involved in such programmes?
5. Consider ways in which the law enforcement agency in which you work could contribute to a research programme on the causes and prevention of juvenile crime. What information could it provide? What expertise is available within the agency? Would your agency cooperate with such research carried out by a university in your country?
6. What are the various ways in which the criminal justice system in which you work avoids criminal prosecution of a juvenile for conduct that does not seriously harm the juvenile or others? What other ways are there?
7. "Youthful behaviour or conduct that does not conform to overall social norms and values is often part of the maturation and growth process and tends to disappear spontaneously in most individuals with the transition to adulthood." Do you agree? If the statement is largely true, what are the implications for police policy and practice?
8. The "Riyadh Guidelines" stipulate that government agencies should take special responsibility and provide necessary services for homeless or street children. The Guidelines further require information about local facilities, accommodation, employment and other forms and sources of help to be made readily avail-

able to young persons. To what extent should police be involved in meeting these requirements? In what other ways can police assist in protecting and assisting homeless children?

9. An information booklet is being produced by the Government for circulation to the public on the question of alcohol, drug and substance abuse by young people. Various agencies are contributing information and advice. Discuss what information and advice the police should offer for inclusion in the booklet.
10. Discuss the various ways in which police officials and schoolteachers can cooperate to prevent exploitation and abuse of children.

Exercise

Panel discussion on juvenile justice and the police

The process: A panel of presenters, following a presentation by one or more of them, will be used to address the issues and standards relating to juvenile justice. This approach will combine the expertise of the various panellists in different aspects of the topic. One presenter will act as facilitator to enable the widest possible participation; to ensure that participants' needs are met; and to provide an overview or summary at the conclusion of the discussion. This exercise will include direct exchanges among panel members themselves, and between the panel and the audience. All members of the audience are encouraged to ask questions or make statements at any time during the exercise.

The problem: Exland has no national plan for addressing juvenile criminality. Children in trouble with the law are dealt with in a manner that is largely at the discretion of the arresting police officer and the judge on the case. Sometimes juvenile offenders are diverted away from the normal justice system and into family care or counselling. At other times, they are handled in the same way as adult offenders. The system is, at best, unpredictable. The panel will examine the requirements of international standards in respect of the administration of juvenile justice, the purposes of juvenile justice, preventive and early intervention strategies, and dispositions for alternatives to institutional treatment of children. The result should be a framework for Exland's national plan for addressing juvenile justice.

**MODEL OVERHEAD TRANSPARENCIES
FOR USE WITH SESSION 10
(JUVENILES)**

JUVENILES

General principles

- **detention as extreme measure of last resort for children**
- **all family and community resources to be mobilized for support and reform, and for avoidance of institutional treatment**
- **appropriate scope of discretion to be given to officials at all stages of the process**
- **case-by-case treatment according to the best interests of the child**
- **avoid judicial processes**
- **provide for specially trained juvenile police to dispose of juvenile cases**
- **use non-custodial measures that are fair and proportionate**

ALTERNATIVES TO INSTITUTIONAL TREATMENT

Key international instruments:

- Convention on the Rights of the Child
- Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)
- Rules for the Protection of Juveniles Deprived of their Liberty
- Standard Minimum Rules for Non-custodial Measures

Goals: Not punishment but:

- reform
- rehabilitation
- reintegration
- best interests of the child

ALTERNATIVE DISPOSITIONS FOR JUVENILES

Variety of dispositions to be available:

- **non-intervention – let the family, church, mosque, social support structures deal with children in less serious cases and cases involving younger children**
- **diversion – remove case from formal criminal justice system and redirect to community support services**
- **care, guidance and supervision orders**
- **counselling**
- **probation**
- **foster care**
- **educational and vocational training programmes**
- **community service programmes**
- **other appropriate and proportionate measures in the best interests of the child**

JUVENILE JUSTICE

PREVENTION - EARLY INTERVENTION STRATEGIES

- 1. Establish a system to identify children at risk**
 - **abused children**
 - **children from broken homes**
 - **children living in extreme poverty**
 - **homeless children**
 - **children working on the streets**
 - **unaccompanied child refugees**
- 2. Prepare and participate in crime prevention programmes for juveniles**
- 3. Know children and parents in your area of responsibility**
- 4. Be alert to children at risk**
- 5. Prepare and participate in community programmes such as:**
 - **school visits**
 - **sports**
 - **drug or alcohol abuse programmes**
 - **curfews**

JUVENILE JUSTICE

Prevention - early intervention strategies (continued)

- 6. Involve community groups in the programmes**
- 7. Train special teams to deal with juveniles**
- 8. Maintain close liaison with social agencies**
- 9. Establish diversion programmes to deal with juveniles involved in minor offences**
- 10. Investigate promptly complaints of juvenile crime**
- 11. Remain seized of concerns and problems of juveniles and children at risk**
- 12. Be responsible and credible in dealing with juveniles**

Session outline eleven: The human rights of women

Objectives

Participants will have a basic understanding of human rights standards applying especially to women in the administration of justice, and will be sensitized to the importance of eliminating gender discrimination in law enforcement activities and to the important role of the police in combating violence against women in all its forms

Sources

UDHR (art. 2)

ICCPR (arts. 2, 3 and 26)

CEDAW (preamble, paras. 3, 9 and 14; arts. 1, 2(d)-(f), 3, 5(a), 7, 8, 9, 10, 11, 12, 13, 14 and 15)

Declaration on Discrimination against Women (preamble, paras. 2 and 4; arts. 1, 2, 4, 5, 6, 9 and 10)

Declaration on Violence against Women (preamble, paras. 5 and 8; arts. 1, 2, 3 and 4)

Code of Conduct (preamble, para. 8(a); arts. 1 and 2)

SMRTP (rules 23 and 53)

Principles on Detention or Imprisonment (principle 5)

Standards

Women are entitled to equal enjoyment and protection of all human rights in the political, economic, social, cultural, civil and all other fields.¹⁵⁴

These rights include the rights to life; equality; liberty and security of person; equal protection under the law; freedom from discrimination; the highest attainable standard of mental and physical health; just and favourable conditions of work; and freedom from torture and other cruel, inhuman or degrading treatment or punishment.¹⁵⁵

Violence against women may be physical, sexual or psychological and includes battering, sexual abuse, dowry violence, marital rape, harmful traditional practices, non-spousal rape and violence, sexual harassment, forced prostitution, trafficking in women and exploitation-related violence.¹⁵⁶

Violence against women, in all its forms, violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms.¹⁵⁷

Police shall exercise due diligence to prevent, investigate and make arrests in respect of all acts of violence against women, whether perpetrated by public officials or private persons, in the home, the community and official institutions.¹⁵⁸

Police shall take rigorous official action to prevent the victimization of women and shall ensure that revictimization does not occur as a result of police omissions or gender-insensitive enforcement practices.¹⁵⁹

Violence against women is a crime and must be treated as such, also when it occurs within the family.¹⁶⁰

¹⁵⁴ UDHR, article 2; ICCPR, article 3; Declaration on the Elimination of All Forms of Discrimination against Women (hereinafter "Declaration on Discrimination against Women"), preambular paragraphs 2 and 4; CEDAW, third preambular paragraph and articles 1, 2 and 3; Declaration on the Elimination of Violence against Women (hereinafter "Declaration on Violence against Women"), article 3.

¹⁵⁵ CEDAW, articles 1 and 7-15; Declaration on Discrimination against Women, articles 2, 4, 5, 6, 9 and 10; Declaration on Violence against Women, article 3.

¹⁵⁶ Declaration on Violence against Women, article 2.

¹⁵⁷ Declaration on Violence against Women, fifth preambular paragraph.

¹⁵⁸ Declaration on Violence against Women, article 4(c) and 4(i).

¹⁵⁹ Declaration on Violence against Women, article 4(f).

¹⁶⁰ Declaration on Violence against Women, eighth preambular paragraph and articles 1, 2(a) and 4(c).

Arrested or detained women shall not suffer discrimination and shall be protected from all forms of violence or exploitation.¹⁶¹

Women detainees shall be supervised and searched by female officers and staff.¹⁶²

Women shall be detained separately from male detainees.¹⁶³

Pregnant women and nursing mothers shall be provided with special facilities in detention.¹⁶⁴

Law enforcement agencies shall not discriminate against women in recruitment, hiring, training, assignment, promotion, salary or other career or administrative matters.¹⁶⁵

Law enforcement agencies shall recruit sufficient numbers of women to ensure fair community representation and the protection of the rights of female suspects, arrestees and detainees.¹⁶⁶

Practice

All police officials

Treat domestic violence crimes as legally equivalent to other assaults.

Respond promptly to domestic violence and sexual violence calls, inform victims of available medical, social, psychological and material support, and provide transportation to a safe place.

Investigate domestic violence thoroughly and professionally. Interview victims, witnesses, neighbours and medical professionals.

Prepare detailed reports of domestic violence incidents and follow-up carefully, both with superiors and with the victim, check reports against previous incidents in the files, and take all necessary action to prevent a recurrence.

After medical, administrative and other procedures have been completed, offer to accompany a victim of domestic violence to her home to move her personal effects to a safe place.

Enrol in training to develop your skills in aiding and protecting victims of domestic violence.

Cooperate closely with medical professionals and social agencies in handling cases of domestic violence.

Ensure that a female officer is present during all contacts with women offenders and with women victims of crime. Defer completely to female colleagues, where possible.

Separate female from male detainees. Be sure that female officers supervise and search female detainees.

If male, abstain from and discourage gender-insensitive conversations and jokes with male colleagues.

Ask female colleagues for their feelings and perceptions on any policies, practices, behaviour or attitudes that are gender-specific, initiate improvements yourself, and support them in their efforts to do so.

Command and supervisory officials

Issue and enforce clear standing orders on prompt and effective responses to domestic violence calls and their legal equivalence to other forms of assault.

¹⁶¹ UDHR, article 2; ICCPR, articles 2 and 3; Code of Conduct, articles 1 and 2; CEDAW, article 15; Declaration on Discrimination against Women, articles 1 and 6; Principles on Detention or Imprisonment, principle 5.

¹⁶² SMRTP, rule 53.

¹⁶³ SMRTP, rule 53.

¹⁶⁴ SMRTP, rule 23.

¹⁶⁵ UDHR, article 2; ICCPR, articles 2, 3 and 26; CEDAW, preambular paragraphs 3, 9 and 14, and articles 2(d)-(f), 3, 5(a) and 7(b); Declaration on Discrimination against Women, article 1.

¹⁶⁶ Code of Conduct, eighth preambular paragraph, subparagraph (a); SMRTP, rule 53.

Provide regular training to officials on addressing violence against women.

Establish a special police unit for domestic violence calls and consider assigning social workers to serve jointly in such units with police.

Establish close liaison and joint strategies with medical professionals, social work agencies, local “safe houses” and relevant community organizations.

Assign female officers to deal with female victims of crime.

Review recruitment, hiring, training and promotions policies to remove any gender bias.

Assign female officers to carry out all searches and supervision of female detainees, and separate female from male detainees.

Provide for special detention facilities for pregnant women and nursing mothers.

Adopt policies prohibiting discrimination against officers on the basis of pregnancy or maternity.

Establish open channels of communication for complaints or recommendations by female officers on issues of gender bias.

Increase patrols and preventive action in high crime areas, including foot patrols and community involvement in crime prevention, to reduce the risk of violent crimes against women.

Questions

1. Identify the factors that work against all people being given equal protection of the law, and state what can be done to improve the situation.
2. Physical violence against a women by her male partner is a crime. In view of this, why has it been necessary to emphasize to police agencies and police officials that such crimes are to be fully and fairly investigated?
3. It has been argued that social, economic and political inequalities of women in relation to men provide a structure in which men perpetrate violence against women. Do you accept this argument? If not, why not, and what alternative argument would you propose? If you do believe it is true, what can be done to correct the situation?
4. In what ways does violence against a woman by her male partner differ from unlawful acts of violence between other categories of people? Are such acts of violence dealt with under the normal law of assault in your country or is there a separate and special offence of “wife assault” or “violent assault on a woman” with more severe penalties on conviction than other forms of assault? Discuss the advantages and disadvantages of having such a separate and special category of offence.
5. It is sometimes argued that, for social and cultural reasons, police responses to victims of sexual offences are not satisfactory. Specify what these cultural and social reasons might be. Are they applicable in your country? What can be done to overcome the problem?
6. One way of ensuring adequate cooperation between the various agencies that provide a response to domestic violence and other crimes against women would be to form a unit consisting of, for example, police officials, social workers, health workers and specialists in emotional counselling. What would be the advantages and disadvantages of forming such a unit?
7. Consider the various ways in which a police agency can provide a sympathetic environment for interviewing victims of rape. Which way would be the most practical and effective in your country?
8. What methods are used in your police agency to ensure equality of opportunity for women police officials? Are the women police officials satisfied that these methods are adequate? What else could be done to improve the career opportunities of women police officials?

9. If women were able to exercise fully their right to free choice of a profession, it could mean that about half the members of a police agency would consist of women police officials. Would such an agency be operationally more effective or less effective than agencies with a much smaller ratio of women to men officials? State what you consider to be the ideal ratio of women to men police officials in a police agency. Give reasons for your reply.
10. For the sake of discussion, imagine that a series of rapes and other violent attacks on women have taken place in the area of your police agency and that the attacker or attackers remain undetected. Consider all the steps that could be taken by your police agency to advise women on how to avoid becoming victims; to prevent further attacks; and to reassure the population generally.

Exercise

The rights of women

- A. Irina is a 34-year-old Exland woman living in a nearby village. She is married to Ivan and has two school-age children. Irina works as a maintenance assistant in the building adjacent to the police station in which you are posted. Staff have noticed that she often comes to work bruised or bandaged. Rebecca, a local officer, has approached Irina on the subject and, after having gained her trust, discovers that Ivan beats Irina at home. Irina explains that neighbours have called the police on at least three occasions when Ivan was beating her but that the police, on discovering that it is a “domestic dispute”, always leave without intervening, simply encouraging the couple to “work it out between themselves”. Irina is terrified of her husband, but explains that she cannot leave him on account of the two young children. The family barely gets by on the parents’ two incomes and Irina does not know how she could possibly support the family alone. And anyway if the police can do nothing to protect her, she sees no sense in risking her husband’s anger by leaving.
 1. Why is this a human rights issue?
 2. What should the local police do in such situations?
 3. What will you advise Irina to do?
- B. You are to advise on the restructuring of the Exland police, with terms of reference to facilitate the incorporation of international human rights standards and to contribute to the increased effectiveness of the police. Only 2 per cent of the Exland police are women, and most of those hold clerical positions or are charged with supervising female detainees.
 1. What will be your advice with regard to the recruitment, assignment and promotion of women police officers?
 2. Which international standards will you base your advice on?
 3. What arguments will you use to show that these measures will contribute to the increased effectiveness of the police?
- C. You have received information that a woman has been raped in police detention centre Z-5. She was apparently being held, along with four other women, in connection with an investigation into anti-Government rebel activity. She has since been released, but the four others remain in custody. The woman is deeply traumatized by the assault, wants no one to know about it and, other than revealing the incident to her sister, has refused to speak about the matter.
 1. Is this a human rights violation, a crime or both?
 2. What are the applicable international standards?
 3. What action should be taken?
 4. Should the action taken be different if the woman refuses to speak about the matter?

5. What must be done in the immediate term to assist the woman?
 6. To assist the four other women?
 7. What long-term preventive measures will you advise the police to undertake?
- D. What action will you advise the local police to take on learning that some male police officers are in the habit of telling inappropriate jokes about women, making lewd comments to female colleagues and making unwelcome advances to female colleagues?

**MODEL OVERHEAD TRANSPARENCIES
FOR USE WITH SESSION 11
(WOMEN)**

WOMEN AND LAW ENFORCEMENT

Issues concern:

- **Female offenders**
- **Female victims**
- **Female police officers**

Sources for human rights protection:

- **International Covenant on Civil and Political Rights (articles 2, 3 and 26)**
- **Convention on the Elimination of All Forms of Discrimination against Women**
- **Declaration on the Elimination of Violence against Women**
- **Standard Minimum Rules on the Treatment of Prisoners (rules 23 and 53)**
- **Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment (principle 5)**

FEMALE OFFENDERS

Human rights standards:

- **Protection from violence, including sexual harassment**
- **Special protection for pregnant women and mothers**

Require:

- **a female officer to be present during all contact with women offenders**
- **female detainees to be separated from male detainees**
- **female officers to supervise and search female detainees**
- **special facilities for pregnant women and nursing mothers who are detained**

FEMALE VICTIMS

Human rights standards:

- **Equality under the law**
- **Protection from violence and other gender-based crime**

Require police officials:

- **to consider complaints as serious crime**
- **to respond promptly, especially to complaints of violence**
- **to inform victims of available medical, social, psychological and material support**
- **to provide transportation to a safe place**
- **to investigate, report and follow up thoroughly and professionally**
- **to develop skills in aiding and protecting victims of gender-related crime**
- **to cooperate closely with medical professionals and social agencies**
- **to ensure that a female officer is present during all contact with women victims of crime, especially violence**

UNITED NATIONS DECLARATION ON THE ELIMINATION OF VIOLENCE AGAINST WOMEN

Aim: The protection of women from physical, sexual and psychological violence in public or private life

Violence against women means: Any act of gender-based violence that results in (or is likely to result in) physical, sexual or psychological harm or suffering to women, including:

- **threats of such acts**
- **coercion**
- **arbitrary deprivation of liberty**

Family-related violence includes:

- **battering**
- **sexual abuse of female children in the household**
- **dowry-based violence**
- **marital rape**
- **female genital mutilation**
- **non-spousal violence**
- **violence related to exploitation**

Community-related violence includes:

- **rape**
- **sexual abuse**
- **sexual harassment and intimidation at work, educational institutions and elsewhere**
- **trafficking in women and forced prostitution**

FEMALE POLICE OFFICERS

Human rights standards:

- **Non-discrimination**
- **Protection from sexual harassment**

Require:

- **open channels of communications for complaints or recommendations of female officers on issues of gender bias**
- **discouragement of gender-insensitive conversations and jokes**
- **review of recruitment, hiring, training and promotions policies to remove any gender bias**

Session outline twelve: Refugees and non-nationals

Objectives

Participants will have a basic understanding of and sensitivity to the special vulnerability of refugees, internally displaced persons and non-nationals, and an understanding of the international standards protecting such groups, and of the role of police officials in enforcing those standards.

Refugees

Sources

UDHR (art. 14)

ICCPR (art. 13)

Refugee Convention (arts. 1(a)(2), 4, 15, 16, 21, 22, 23, 26, 27, 28, 31, 32 and 33)

Declaration on Non-Nationals (arts. 5, 6 and 7)

Declaration on Territorial Asylum (art. 3)

General Comment 15/27 of the United Nations Human Rights Committee

“Conclusions on the International Protection of Refugees” adopted by the Executive Committee of the UNHCR Programme (HCR/1P/2/ENG/Rev., 1989)

Views of the United Nations Human Rights Committee on communication No. 155/1983

Standards

Everyone has the right to seek and to enjoy in another country asylum from persecution.¹⁶⁷

A refugee is a person who, owing to a well-founded fear of persecution on the grounds of race, religion, nationality, membership of a particular social group or political opinion, is unable or unwilling to return to his or her country of origin (or, if stateless, to his or her country of habitual residence).¹⁶⁸

Refugees are entitled to all basic human rights, with the exception of certain political rights, but if they are unlawfully within the territory, certain limitations on movement may be applied in the interest of public order and health.¹⁶⁹

Refugees shall be granted treatment which is at least as favourable as that granted to nationals in the exercise of basic rights, such as freedom of association; freedom of religion; access to elementary education; public relief; access to courts; property rights; and housing.¹⁷⁰

No one shall be returned to a country where his or her life or freedom would be threatened or where he or she would be persecuted, or to a third country likely to return the refugee to such a country.¹⁷¹

¹⁶⁷ UDHR, article 14; Convention Relating to the Status of Refugees (1951 Convention) (hereinafter “Refugee Convention”), article 32.

¹⁶⁸ Refugee Convention, article 1.A(2).

¹⁶⁹ Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live (hereinafter “Declaration on Non-Nationals”), articles 5 and 6. See also General Comment 15/27 of the United Nations Human Rights Committee (hereinafter “General Comment 15/27”).

¹⁷⁰ Refugee Convention, articles 4, 15, 16, 21, 22 and 23.

¹⁷¹ Refugee Convention, article 33.

Refugees unlawfully within the territory of a State, who have come directly from a country of persecution and who present themselves without delay to the authorities, shall not be penalized.¹⁷²

Refugees coming directly from a country of persecution shall not be refused at least temporary entry.¹⁷³

Refugees lawfully in the territory of a State have the right to freedom of movement and residence.¹⁷⁴

Refugees lawfully within the territory shall be granted travel documents and identity papers.¹⁷⁵

Persons seeking asylum shall be informed of the necessary procedures, provided with the necessary facilities to do so and allowed to remain pending a final decision.¹⁷⁶

No refugee shall be expelled except on grounds of national security or public order, and only on the basis of a decision reached in accordance with due process of law.¹⁷⁷

Before expulsion, a refugee shall be given an opportunity to offer evidence, to be represented and to appeal to a higher authority.¹⁷⁸

Non-nationals

Sources

ICCPR (arts. 2, 3, 12, 13 and 26)

Declaration on Non-Nationals (arts. 1, 5, 6, 7 and 10)

General Comment 15/27 of the United Nations Human Rights Committee

Views of the United Nations Human Rights Committee on communication No. 58/1979

Views of the United Nations Human Rights Committee on communication No. 68/1980

Views of the United Nations Human Rights Committee on communication No. 155/1983

ICCPR, travaux préparatoires, E/CN.4/L.189/Rev.1 and E/CN.4/SR.316,5

¹⁷² Refugee Convention, article 31.

¹⁷³ Refugee Convention, articles 31 and 33; General Comment 15/27; Declaration on Territorial Asylum, article 3.

¹⁷⁴ Refugee Convention, article 26.

¹⁷⁵ Refugee Convention, articles 27 and 28.

¹⁷⁶ General Comment 15/27; Office of the United Nations High Commissioner for Refugees (UNHCR), "Conclusions on the International Protection of Refugees" adopted by the Executive Committee of the UNHCR Programme, Geneva, 1980 (HCR/1P/2/ENG/Rev. 1989) (clarifying the basic minimum standards of treatment for refugees whose status in the receiving country has not yet been normalized).

¹⁷⁷ Refugee Convention, article 32(1).

¹⁷⁸ Declaration on Non-Nationals, article 7. On the right of appeal, see Views of the United Nations Human Rights Committee on communication No. 155/1983. See also ICCPR, article 13 (prohibiting arbitrary expulsion of aliens).

Standards

Non-nationals include foreigners and stateless persons.¹⁷⁹

Non-nationals are lawfully within the territory if they have entered in accordance with the provisions of the legal system or if they possess a valid residence permit.¹⁸⁰

Non-nationals lawfully within the territory are entitled to all human rights, except certain political rights.¹⁸¹

Non-nationals have the same right to leave and to emigrate as nationals.¹⁸²

Non-nationals lawfully within the territory, who have close attachments to the State and view it as their own (who have created a home, who were born in the State or who have resided in the State for a long time) shall not be expelled.¹⁸³

Other non-nationals lawfully within the territory may be expelled only if decided by law, if the decision is not arbitrary or discriminatory, and if procedural guarantees have been afforded.¹⁸⁴

Procedural guarantees for expulsion include the right to be heard, the right to review by a competent authority, the right to representation, the right to appeal to a higher authority, enjoyment of full facilities to pursue a remedy, the right to remain pending an appeal, and the right to be informed of available remedies.¹⁸⁵

Exceptions for some procedural guarantees may be allowed, but only for compelling reasons of national security such as political or military threats to the whole nation.¹⁸⁶

Collective or mass expulsions are prohibited.¹⁸⁷

The spouse and minor dependent children of a non-national lawfully in the territory must be admitted to join the non-national.¹⁸⁸

All non-nationals must be free to communicate with their consulate or diplomatic mission.¹⁸⁹

Non-nationals who are expelled should be permitted to depart to any country that accepts them and may not be sent to a country where their human rights would be violated.¹⁹⁰

Practice

All police officials

Be alert to any evidence of xenophobic or racist activity in your duty area.

Cooperate closely with immigration authorities and social agencies assisting refugees and non-nationals.

In areas with high immigrant concentrations, reassure residents of their right to seek police protection and assistance without fear of being deported.

¹⁷⁹ Declaration on Non-Nationals, article 1.

¹⁸⁰ General Comment 15/27, section 9 (stating that domestic law, consistent with the ICCPR, determines the conditions for the lawfulness of the entry of an alien); Views of the Human Rights Committee in *Marafidou v. Sweden*, communication No. 58/1979, at section 9.2 (finding that lawfulness of entry for a woman holding a valid residence permit is undisputed). For a general discussion of the “lawfulness” requirement regarding the entry of aliens in articles 12 and 13 of the ICCPR, see M. Nowak, *UN Covenant on Civil and Political Rights: CCPR Commentary*, Strasbourg, 1993 (hereinafter “Nowak’s CCPR Commentary”), pp. 201 and 224.

¹⁸¹ Declaration on Non-Nationals, articles 5 and 6. See also General Comment 15/27.

¹⁸² ICCPR, article 12(2); Declaration on Non-Nationals, article 5(2)(a).

¹⁸³ This principle is drawn from ICCPR, article 12(4) (right to enter one’s own country), and interpretations thereof by the Human Rights Committee. The language “his own country” in article 12(4) indicates that the protection is not expressly limited to nationals. The travaux préparatoires to the ICCPR confirm that the term was meant to extend to aliens and stateless persons who have such a strong attachment to a State that they view it as “their own country”. See E/CN.4/L.189/Rev.1 and E/CN.4/SR.316,5. For a discussion of this issue, see Nowak’s CCPR Commentary, p. 219 (particularly his notes on *A.S. v. Canada*, Views of the Human Rights Committee on communication No. 68/1980).

¹⁸⁴ ICCPR, articles 2, 3, 13 and 26; Declaration on Non-Nationals, article 7; *Marafidou v. Sweden*, Views of the Human Rights Committee on communication No. 58/1979.

¹⁸⁵ ICCPR, articles 12 and 13; Declaration on Non-Nationals, article 7. On the right of appeal, see Views of the Human Rights Committee on communication No. 155/1983. See also General Comment 15/27.

¹⁸⁶ See the Views of the Human Rights Committee on communications Nos. 155/1983 and 193/1985.

¹⁸⁷ Declaration on Non-Nationals, article 7. See also General Comment 15/27.

¹⁸⁸ Declaration on Non-Nationals, article 7.

¹⁸⁹ Declaration on Non-Nationals, article 10.

¹⁹⁰ See General Comment 15/27.

Remind colleagues that unlawfully present non-nationals are not criminals or criminal suspects solely by virtue of their immigration status.

Provide visible security for refugee shelters and camps.

Command and supervisory officials

Issue clear orders on the special vulnerability and protective needs of refugees and non-nationals.

Develop cooperative schemes with community representatives to combat racist and xenophobic violence and intimidation.

Organize foot patrols for areas of high refugee concentration, and consider establishing police sub-stations in such areas.

Establish special units, with the necessary legal training, linguistic skills and social skills, to work with terms of reference focusing on protection rather than enforcement of immigration laws.

Police agencies charged with border control and immigration law enforcement should provide specialized training in the rights of refugees and non-nationals, and in procedural guarantees afforded to such groups.

Liaise closely with social agencies providing support services to refugees and non-nationals in need.

Questions

1. The international nature and scope of problems created by the granting of asylum is recognized. In what ways could there be an international response to the policing problems created by an influx of refugees into one country?
2. Refugees and other non-nationals have a duty to respect the laws and regulations of the countries in which they find themselves. What can the police do to ensure that they are aware of local laws and regulations?
3. It is a principle of human rights law that all human beings are born free and equal in dignity and rights. Yet non-nationals in any country generally enjoy fewer rights than nationals. How can this be justified?
4. The Convention relating to the Status of Refugees denies application of the Convention to a person who has “committed a serious non-political crime outside the country of refuge”. What is a “political crime”? How does such a crime differ from a “non-political crime”?
5. What are the various ways in which police can monitor the attitudes and feelings of the local population in relation to refugees and other non-nationals so that they may take steps to prevent xenophobic or racist attacks against them?
6. If police become aware of animosity within the local community towards refugees or other non-nationals, what steps can be taken to prevent xenophobic or racist attacks against them?

Exercise

Refugees and internally displaced persons

The fighting in the northern province has produced a massive flow of internally displaced persons (IDPs) into the neighbouring provinces and a flight of refugees into neighbouring countries. Many of the IDPs are being housed in temporary shelters provided by UNHCR in your mission area. The vast majority of the refugees and IDPs are women, children and elderly persons, although several young men are in their midst. While most are Highlandians, some are also Vallians. You are charged with daily vis-

its to the IDP camp in your area, where you are to monitor the situation with regard to the health and safety of the IDPs and the security of relief operations.

1. How does the situation of the IDPs still in the country resemble that of the refugees who have fled to neighbouring countries? How does it differ?
2. Why are women especially vulnerable in such situations, and what should you look for in this regard when visiting the camps? What about children?
3. If the Government, with the assistance of non-governmental relief agencies, is playing a role in relief operations (delivery of food and medicines, etc.), what should you look for in terms of the way such material is distributed? What should you look for if the people in the camps are themselves involved in distribution?
4. What are the major security risks to the IDPs?
5. What are the major security risks to the relief workers?
6. Why is it important to provide regular and clear information updates to the people in the camps?
7. Consider how police officers might assist relief agencies in ensuring protection of the following rights and needs of refugees and IDPs:
 - ❖ Not to be returned to danger/persecution
 - ❖ Protection of human rights
 - ❖ Need for sympathetic treatment
 - ❖ Protection from cruel, inhuman or degrading treatment
 - ❖ Non-discrimination
 - ❖ Right to be treated as persons before the law and right of access to courts
 - ❖ Need for a safe and healthy location
 - ❖ Basic necessities – food, shelter, sanitary and health facilities
 - ❖ Need for family unity
 - ❖ Assistance in tracing relatives
 - ❖ Protection of minors and unaccompanied children
 - ❖ Protection of women and girls
 - ❖ Need to send and receive mail
 - ❖ Receipt of material assistance from friends
 - ❖ Registration of births, deaths and marriages
 - ❖ Need for facilities to find a long-term solution
 - ❖ Facilitation of voluntary repatriation

**MODEL OVERHEAD TRANSPARENCIES
FOR USE WITH SESSION 12
(REFUGEES AND NON-NATIONALS)**

REFUGEES

Definition

A refugee is a person who, owing to a well-founded fear of persecution on the grounds of race, religion, nationality, membership in a particular social group, or political opinion, is unable or unwilling to return to his or her country of origin (or, if stateless, to his or her country of habitual residence)

International standards

- ❖ Everyone has the right to seek, and to enjoy, in another country, asylum from persecution
- ❖ Refugees are entitled to all basic human rights, with the exception of certain political rights, but if they are unlawfully within the territory, certain limitations on movement may be applied in the interest of public order and health
- ❖ Refugees shall be granted treatment which is at least as favourable as that granted to nationals in the exercise of basic rights such as freedom of association; freedom of religion; access to elementary education; public relief; access to courts; property rights; and housing
- ❖ No one shall be returned to a country in which his or her life or freedom would be threatened or where he or she would be persecuted, or to a third country likely to return the refugee to such a country

REFUGEES

International standards (continued)

- ❖ Refugees unlawfully within the territory of a State, who have come directly from a country of persecution and who present themselves without delay to the authorities, shall not be penalized
- ❖ Refugees coming directly from a country of persecution shall not be refused at least temporary entry
- ❖ Refugees lawfully in the territory of a State have the right to freedom of movement and residence
- ❖ Refugees lawfully within the territory shall be granted travel documents and identity papers
- ❖ Persons seeking asylum shall be informed of the necessary procedures, provided with the necessary facilities to do so and allowed to remain pending a final decision
- ❖ No refugee shall be expelled except on grounds of national security or public order, and only on the basis of a decision reached in accordance with due process of law
- ❖ Before expulsion, a refugee shall be given an opportunity to offer evidence, to be represented and to appeal to a higher authority

NON-NATIONALS

International standards

- ❖ Non-nationals include foreigners and stateless persons
- ❖ Non-nationals are lawfully within the territory if they have entered in accordance with the legal system, or if they possess a valid residence permit
- ❖ Non-nationals lawfully within the territory are entitled to all human rights, except certain political rights
- ❖ Non-nationals have the same right to leave and to emigrate as nationals
- ❖ Non-nationals lawfully within the territory, who have close attachments to the State and view it as their own, (who have created a home, who were born in the State or who have resided in the State for a long time), shall not be expelled
- ❖ Other non-nationals lawfully within the territory may be expelled only if decided by law, if the decision is not arbitrary or discriminatory, and if procedural guarantees have been afforded

NON-NATIONALS

International standards (continued)

- ❖ Procedural guarantees for expulsion include the right to be heard, the right to review by a competent authority, the right to representation, the right to appeal to a higher authority, enjoyment of full facilities to pursue a remedy, the right to remain pending an appeal and the right to be informed of available remedies
- ❖ Exceptions for some procedural guarantees may be allowed but only for compelling reasons of national security such as political or military threats to the whole nation
- ❖ Collective or mass expulsions are prohibited
- ❖ The spouse and minor dependent children of a non-national lawfully in the territory must be admitted to join the non-national
- ❖ All non-nationals must be free to communicate with their consulate or diplomatic mission
- ❖ Non-nationals who are expelled should be permitted to depart to any country that accepts them and may not be sent to a country where their human rights would be violated

REFUGEES AND NON-NATIONALS

Guidelines for all police officials

- ❖ Be alert to any evidence of xenophobic or racist activity in your duty area
- ❖ Cooperate closely with immigration authorities and social agencies assisting refugees and non-nationals
- ❖ In areas with high immigrant concentrations, reassure residents of their right to seek police protection and assistance without fear of being deported
- ❖ Remind colleagues that unlawfully present non-nationals are not criminals or criminal suspects solely by virtue of their immigration status
- ❖ Provide visible security for refugee shelters and camps

REFUGEES AND NON-NATIONALS

Guidelines for command and supervisory officials

- ❖ Issue clear orders on the special vulnerability and protective needs of refugees and non-nationals
- ❖ Develop cooperative schemes with community representatives to combat racist and xenophobic violence and intimidation
- ❖ Organize foot patrols for areas of high refugee concentration and consider establishing police sub-stations in such areas
- ❖ Establish special units with the necessary legal training, linguistic skills and social skills to work with terms of reference focusing on protection rather than on enforcement of immigration laws
- ❖ Police agencies charged with border control and immigration law enforcement should provide specialized training in the rights of refugees and non-nationals, and in procedural guarantees afforded to such groups
- ❖ Liaise closely with social agencies providing support services to refugees and non-nationals in need

Session outline thirteen: Victims

Objectives

Participants will understand the special responsibility of police to protect victims of crime, abuse of power and human rights violations, to treat them with respect, compassion and care, and to act with due diligence in providing them with all available redress.

Sources

Victims Declaration (principles 4, 5, 6, 8, 11, 12, 14, 15 and 16)
Principles on Summary Executions (principle 15)

Standards

All victims of crime, abuse of power or human rights violations shall be treated with compassion and respect.¹⁹¹

Victims shall have access to mechanisms of justice and to prompt redress.¹⁹²

Redress procedures shall be expeditious, fair, inexpensive and accessible.¹⁹³

Victims shall be informed of their rights in seeking redress and protection.¹⁹⁴

Victims shall be informed of their role in formal proceedings, the scope, timing and progress of proceedings, and the disposition of their cases.¹⁹⁵

Victims shall be allowed to present their views and feelings on all matters where their personal interests are affected.¹⁹⁶

Victims shall receive all necessary legal, material, medical, psychological and social assistance, and shall be informed of their availability.¹⁹⁷

Inconvenience to victims shall be minimized in the handling of their cases.¹⁹⁸

The privacy and safety of victims shall be protected.¹⁹⁹

Unnecessary delay in the handling of victims' cases shall be avoided.²⁰⁰

Offenders should, where appropriate, make restitution.²⁰¹

Governments should make restitution where public officials are at fault.²⁰²

Financial compensation should be made available from the offender or, if not available, from the State.²⁰³

Police should be trained in the needs of victims and provided with guidelines to ensure proper and prompt aid.²⁰⁴

¹⁹¹ Victims Declaration, principle 4; Principles on Summary Execution, principle 15.

¹⁹² Victims Declaration, principles 4 and 8.

¹⁹³ Victims Declaration, principle 5.

¹⁹⁴ Victims Declaration, principle 5.

¹⁹⁵ Victims Declaration, principle 6(a).

¹⁹⁶ Victims Declaration, principle 6(b).

¹⁹⁷ Victims Declaration, principles 6(c), 14 and 15.

¹⁹⁸ Victims Declaration, principle 6(d).

¹⁹⁹ Victims Declaration, principle 6(d).

²⁰⁰ Victims Declaration, principle 6(e).

²⁰¹ Victims Declaration, principle 8.

²⁰² Victims Declaration, principle 11.

²⁰³ Victims Declaration, principle 12.

²⁰⁴ Victims Declaration, principle 16.

Practice

All police officials

Inform all victims, in clear and understandable language, of available legal, material, medical, psychological and social assistance, and, if they so desire, put them directly in contact with such assistance.

Keep a roster of contacts handy, with all information on available services for assistance to victims.

Carefully explain to victims their rights, their role in legal proceedings, the scope, timing and progress of such proceedings, and the disposition of their cases.

Provide transportation to medical services and to the victim's residence, and offer to check the security of the premises and to patrol the area.

Enrol in victim assistance training.

Keep records on victims secure and carefully protect their confidentiality. Inform victims of measures that will be taken to these ends.

Return any recovered property of the victim as soon as possible after completing the necessary procedures.

Command and supervisory officials

Provide victim assistance training to all officials.

Establish close cooperative procedures with medical, social, legal and other victim assistance agencies and programmes.

Establish victim assistance units composed of police officials (male and female), medical or paramedical professionals, social workers and counsellors for rapid deployment.

Establish official victim assistance guidelines, ensuring prompt, proper and comprehensive attention to the legal, material, medical, psychological and social assistance needs of victims.

Review crime records in developing preventive strategies, with a focus on preventing revictimization.

Assign designated officers to follow and expedite victims' cases aimed at obtaining redress and justice.

Questions

1. Discuss three examples of serious ways in which women are victimized in your society, and suggest policies and guidelines for police to follow which demonstrate sensitivity to the concerns and needs of female victims and which prevent "double victimization".
2. In addition to the Government having responsibility for the safety and security of citizens, both the community and private individuals must help to prevent crime and hence victimization. What measures can the community and individual citizens take to prevent crime? How can the police encourage them in their efforts to do so?
3. Studies have shown that a large proportion of the crimes actually committed are not reported to the police. Should the police encourage the reporting of a greater proportion of crimes? What would be the advantages and disadvantages of a higher proportion of crimes being reported to the police?
4. What positive effects for the prevention and detection of crime arise out of police providing greater support and assistance to victims of crime?
5. Discuss the informal mechanisms in place in your country for the resolution of disputes between victims and perpetrators of crime such as mediation, arbitration and customary practices. How effective are they? Could other mechanisms be introduced? In what ways are police involved in these informal mechanisms? How could the mechanisms be made more effective?

6. Return of property is an important element of restitution to a victim of crime. What opportunities are there in your country for victims to have stolen property returned to them before any case against suspects is concluded? In what ways can the system of returning stolen property to victims in your country be improved?
7. Both people suspected of crime and victims of crime have rights. Some of these rights may appear to conflict. Identify rights of suspects and victims that may give rise to conflict and discuss how the rights of the two may be reconciled.
8. Discuss how the provisions of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power can be adapted to the specific legal, social and cultural circumstances of your country. Draw up draft guidelines to assist police officials in complying with the Principles.
9. Discuss how victims of crime in your country are protected from abuse and intimidation resulting from their involvement in criminal proceedings, and how their physical safety is ensured. How can the protection of victims in these circumstances be enhanced?
10. What organizations, within and outside the criminal justice system, are involved in providing assistance to victims in your country? Discuss their relationship with your police agency. What channels of communication exist between them and the police and how can they be improved? In what ways do these organizations assist police in their general task of preventing and detecting crime?
11. Discuss the various ways in which the police could assist with research programmes on victimization. What aspects of victimization would you like to have researched? How could research into these aspects be initiated and how could your agency assist in its initiation and contribute to the work?

Exercise

The rights of victims

Brainstorming session

The process: This session will be conducted as an intensive exercise aimed at seeking solutions to the problem set out below. It will require analysis of the problem and then development of solutions by the group in a step-by-step process. Brainstorming encourages and requires a high degree of participation, and its purpose is to stimulate our creativity in solving the problem at hand.

Following presentation of the problem, ideas presented in response to it will be recorded on a board or flip chart. *All* responses will be recorded, no explanation will be required and no interventions will be judged or rejected at this stage. The presenter will then categorize and analyse the responses with the group, at which point some will be combined, adapted or rejected. Lastly, the group will make recommendations and take final decisions on the problem and the best way of solving it.

The problem: Imelda D., a Vallian woman living in the capital city, has been sexually assaulted. The principal suspect in the case, according to the Exland police, is a Highlandian man named Joseph L. Joseph is 32 years old and has no previous criminal record. He swears that he is innocent and claims that this is a case of mistaken identity. Imelda is in a critical emotional state, after being subjected to such a brutal crime, and is terrified of leaving her apartment. She cannot sleep and, in addition to severe emotional distress, suffers from a number of physical injuries inflicted on her during the assault. She also worries about how to pay for the continuing medical treatment she will require. While she is somewhat relieved by the arrest and detention of Joseph, she is very much afraid of having to face him in court. She only wants the nightmare to be over, with Joseph convicted and in jail for as long as possible.

1. What are Imelda's rights as a victim of this terrible crime?
2. What are Joseph's rights as a suspect?
3. Where do these two sets of rights appear to conflict with each other?
4. How can they be reconciled?

**MODEL OVERHEAD TRANSPARENCIES
FOR USE WITH SESSION 13
(VICTIMS)**

THE RIGHTS OF VICTIMS

Two types of victim:

- ❖ Victims of crime
 - Persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights through acts or omissions that are in **violation of criminal laws** operative within the State, including laws proscribing criminal abuse of power.

- ❖ Victims of human rights violations
 - Persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights through acts or omissions that are in **violation of internationally recognized human rights norms**.

THE RIGHTS OF VICTIMS

Three contact situations:

- ❖ Direct contact with victims
- ❖ Monitoring of local police handling of victims
- ❖ Advice to local police on handling of victims

BASIC PRINCIPLES FOR DEALING WITH VICTIMS:

- ❖ Sensitivity
- ❖ Confidentiality
- ❖ Safety

THE RIGHTS OF VICTIMS

International standards

- ❖ All victims of crime, abuse of power or human rights violations shall be treated with compassion and respect
- ❖ Victims shall have access to mechanisms of justice and prompt redress
- ❖ Redress procedures shall be expeditious, fair, inexpensive and accessible
- ❖ Victims shall be informed of their rights in seeking redress and protection
- ❖ Victims shall be informed of their role in formal proceedings, the scope, timing and progress of proceedings, and the disposition of their cases
- ❖ Victims shall be allowed to present their views and feelings on all matters where their personal interests are affected
- ❖ Victims shall receive all necessary legal, material, medical, psychological and social assistance, and shall be informed of its availability
- ❖ Inconvenience to victims shall be minimized in the handling of their cases
- ❖ The privacy and safety of victims shall be protected

THE RIGHTS OF VICTIMS

International standards (continued)

- ❖ Unnecessary delay in the handling of victims' cases shall be avoided
- ❖ Offenders should, where appropriate, make restitution
- ❖ Governments should make restitution where public officials are at fault
- ❖ Financial compensation should be made available from the offender or, if not available, from the State
- ❖ Police should be trained in the needs of victims and provided with guidelines to ensure proper and prompt aid

THE RIGHTS OF VICTIMS

Police response

- ❖ Inform all victims, in clear and understandable language, of available legal, material, medical, psychological and social assistance, and put them in direct contact with such assistance if they so desire
- ❖ Keep a roster of contacts handy, with all information on available services for assistance to victims
- ❖ Carefully explain to victims their rights, their role in legal proceedings, the scope, timing and progress of such proceedings, and the disposition of their cases
- ❖ Provide transportation to medical services and to the victim's residence, and offer to check the security of the premises and to patrol the area
- ❖ Enrol in victim assistance training
- ❖ Keep records on victims secure and carefully protect their confidentiality. Inform victims of measures that will be taken to these ends
- ❖ Return any recovered property of the victim as soon as possible after completing the necessary procedures
- ❖ Victim assistance training should be provided to all officials

THE RIGHTS OF VICTIMS

Police response (continued)

- ❖ Establish close cooperative procedures with medical, social, legal and other victim assistance agencies and programmes
- ❖ Establish victim assistance units composed of police officials (male and female), medical or paramedical professionals, social workers and counsellors for rapid deployment
- ❖ Establish official victim assistance guidelines ensuring prompt, proper and comprehensive attention to the legal, material, medical, psychological and social assistance needs of victims
- ❖ Review crime records in developing preventive strategies, with a focus on preventing revictimization
- ❖ Designated officers should be assigned to follow and expedite victims' cases in seeking redress and justice

Session outline fourteen: Police command and management

Objectives

Participants will understand the particular human rights requirements and responsibilities of command and management officials, including the human rights implications of recruitment, hiring, assignments, supervision, discipline and strategic planning.

Sources

ICCPR (art. 2, 3 and 26)
ICERD (preamble, paras. 5, 8, 9 and 10, and arts. 2(1)(e), 2(2) and 5(e))
CEDAW (preamble, paras. 3, 9 and 14, and arts. 2(d)-(f), 3, 5(a) and 7(b))
SMRTP (rules 7, 46 and 47)
Principles on Detention or Imprisonment (principles 3 and 12)
Declaration on Enforced Disappearance (arts. 6(3) and 10(2))
Principles on Summary Executions (principle 6)
Principles on Force and Firearms (principles 1, 2, 6, 11, 18, 19, 22, 23, 24, 25 and 26)
Code of Conduct (arts. 1, 2, 4, 7 and 8)

Standards

Law enforcement officials shall at all times fulfil the duty imposed on them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.²⁰⁵

Law enforcement officials shall not commit any act of corruption. They shall rigorously oppose and combat all such acts.²⁰⁶

Law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.²⁰⁷

Every law enforcement agency shall be representative of and responsive and accountable to the community as a whole.²⁰⁸

The recruitment, hiring, assignment and promotions policies of police agencies shall be free from any form of unlawful discrimination.²⁰⁹

Clear, complete and accurate records shall be maintained on investigations, arrests, detention, the use of force and firearms, victim assistance, and all matters relating to police activity.²¹⁰

Training and clear guidelines shall be made available on all aspects of police activity affecting human rights.²¹¹

Police agencies shall make available a range of means for the differentiated use of force and shall train officers in their use.²¹²

All incidents of the use of force or firearms shall be followed by reporting and review by superior officials.²¹³

²⁰⁵ Code of Conduct, article 1.

²⁰⁶ Code of Conduct, article 7.

²⁰⁷ Code of Conduct, article 2.

²⁰⁸ General Assembly resolution 34/169 of 17 December 1977, adopting the Code of Conduct, eighth preambular paragraph, subparagraph (a).

²⁰⁹ ICCPR, articles 2, 3 and 26; ICERD, preambular paragraphs 5, 8, 9 and 10, and articles 2(1)(e), 2(2) and 5(e); CEDAW, preambular paragraphs 3, 9 and 14, and articles 2(d)-(f), 3, 5(a) and 7(b).

²¹⁰ Principles on Detention or Imprisonment, principle 12; SMRTP, rule 7; Declaration on Enforced Disappearance, article 10(2); Principles on Summary Execution, principle 6; Principles on Force and Firearms, principles 6, 11(f) and 22.

²¹¹ Principles on Detention or Imprisonment, principle 3; SMRTP, rules 46 and 47; Declaration on Enforced Disappearance, article 6(3); Principles on Force and Firearms, principles 1, 11 and 19.

²¹² Principles on Force and Firearms, principle 2.

²¹³ Principles on Force and Firearms, principles 6, 11(f) and 22.

Superior officials shall be held responsible for the actions of police under their command if the superior knew or should have known of abuses but failed to take action.²¹⁴

Officials who refuse unlawful superior orders shall be given immunity.²¹⁵

Confidential information is to be handled in a secure manner.²¹⁶

All police candidates shall be of appropriate mental and physical character.²¹⁷

All police are to be subject to continuous and effective reporting and review procedures.²¹⁸

Police shall develop strategies for law enforcement which are effective, lawful and respectful of human rights.²¹⁹

Practice

Command and supervisory officials

Develop a voluntary ethical code of conduct for law enforcement officials.

Issue clear and binding standing orders on respect for human rights in all areas of police work.

Provide entry-level and continuous in-service training for all officials, emphasizing the human rights aspects of police work contained in this Guide.

Develop careful screening processes for new recruits and procedures for periodic assessment of all officers to determine appropriateness of character for law enforcement duties.

Develop community policing strategies.

Establish and enforce strict guidelines for record-keeping and reporting.

Establish an accessible mechanism for receipt of complaints by members of the community, and fully investigate and redress all such complaints.

Develop a plan to ensure that the composition of the police agency is representative of the entire community, including fair and non-discriminatory recruitment and management policies.

Solicit technical assistance from international and bilateral programmes to develop techniques and technical policing skills and capacities for proper and effective law enforcement.

Establish and announce an appropriate range of penalties for police violations, from suspension, pay docking and termination to criminal penalties for serious violations.

Strictly regulate the control, storage and issue of weapons and ammunition.

Carry out periodic unannounced spot checks on detention facilities, police stations and sub-stations, and inspect weapons and ammunition carried by police to ensure they comply with official regulations.

Establish close cooperative relations with other law enforcement agencies, judges and prosecutors, medical facilities, social service agencies, emergency services, the media and community organizations.

Develop specialized units to professionalize police attention to, for example, juveniles, victims, crowd situations, women's detention facilities and border control.

²¹⁴ Principles on Force and Firearms, principle 24.

²¹⁵ Principles on Force and Firearms, principle 25.

²¹⁶ Code of Conduct, article 4.

²¹⁷ Principles on Force and Firearms, principle 18; SMRTP, rule 46.

²¹⁸ Code of Conduct, article 8; Principles on Force and Firearms, principles 22-26.

²¹⁹ Code of Conduct, articles 1 and 2.

Questions

1. What are the arguments for and against appointing a professional public relations expert to work within a police organization?
2. For the purposes of preparing an ethical code for a police agency, identify three moral dilemmas faced by police officials in the performance of their duties and suggest responses to them.
3. Devise a scheme for involving all members of a large police organization in the preparation of a code of ethics for that organization. What consultative techniques would you use?
4. In the corresponding chapter of the Manual, the following aspects of police organization and management were considered: purposes and objectives of a police organization; professional ethics; strategic planning and policy-making; systems for command, management and control; recruitment; and training. Identify some other aspects of organization and management affected by the obligation to safeguard human rights and state how they are affected.
5. Identify four ways in which a police commander can become aware of public needs and expectations.
6. Identify six command and managerial skills that are important for a senior police officer and say how you think an individual police officer may develop them.
7. What is the difference between “command” and “management”? What is “leadership” and is this a quality of a commander or a manager?
8. Identify some of the ways in which a senior police officer can become aware of those police officials under his or her command who generally respect human rights, and those who tend to violate human rights.
9. In what ways is it possible to acknowledge and reward police officials who carry out their duties with due respect for human rights?
10. A proposal has been made that police buildings in which people suspected of crime are detained may be visited at any time by a committee of people who can have immediate access to any detainee. The committee would consist of a lawyer, an elected politician and a doctor. In what ways would such a scheme assist in safeguarding human rights? Set out the arguments for and against such a scheme.

Exercise

Police command and management

Over the past year, six police officials have been tried in Exland for committing human rights violations in the course of their professional duties. In five of these cases, the defendants claimed (and the evidence supported) that they were following superior orders in carrying out the activities for which they were charged. The defendants all stated that they were aware of the illegality of the conduct but that they were afraid to disobey a direct order from a superior officer.

You have been asked to draft policy guidelines that would make it easier for police to refuse to carry out unlawful superior orders, but without unduly compromising the integrity of the chain of command and police discipline. What do you recommend? (Provide a detailed, point-by-point response, setting out the steps to be taken by someone who has been given an unlawful order.)

**MODEL OVERHEAD TRANSPARENCIES
FOR USE WITH SESSION 14
(COMMAND AND MANAGEMENT)**

POLICE COMMAND AND MANAGEMENT

International standards

- ❖ Law enforcement officials shall at all times fulfil the duty imposed on them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession
- ❖ Law enforcement officials shall not commit any act of corruption. They shall rigorously oppose and combat all such acts
- ❖ Law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons
- ❖ Every law enforcement agency shall be representative of and responsive and accountable to the community as a whole
- ❖ The recruitment, hiring, assignment and promotions policies of police agencies shall be free from any form of unlawful discrimination
- ❖ Clear, complete and accurate records shall be maintained on investigations, arrests, detention, the use of force and firearms, victim assistance and all aspects of police activity
- ❖ Training and clear guidelines shall be made available on all aspects of police activity affecting human rights

POLICE COMMAND AND MANAGEMENT

International standards (continued)

- ❖ Police agencies shall make available a range of means for the differentiated use of force and shall train officers in their use
- ❖ All incidents of the use of force or firearms shall be followed by reporting and review by superior officials
- ❖ Superior officials shall be held responsible for the actions of police under their command if the superior knew or should have known of abuses but failed to take action
- ❖ Officials who refuse unlawful superior orders shall be given immunity
- ❖ Confidential information is to be handled in a secure way
- ❖ All police candidates shall be of appropriate mental and physical character
- ❖ All police are to be subject to continuous and effective reporting and review procedures
- ❖ The police shall develop strategies for law enforcement that are effective, lawful and respectful of human rights

POLICE COMMAND AND MANAGEMENT

Command response

- ❖ A voluntary ethical code of conduct for law enforcement officials should be developed
- ❖ Clear and binding standing orders should be issued on respect for human rights in all areas of police work
- ❖ Entry-level and continuous in-service training should be provided for all officials, emphasizing the human rights aspects of police work contained in this Guide
- ❖ Develop careful screening processes for new recruits and arrange for periodic assessments of all officers to determine appropriate character for law enforcement duties
- ❖ Develop community policing strategies
- ❖ Establish and enforce strict guidelines for record-keeping and reporting
- ❖ Establish an accessible mechanism for receipt of complaints by members of the community, and fully investigate and redress all such complaints
- ❖ Develop a plan to ensure that the composition of the police agency is representative of the entire community, including fair and non-discriminatory recruitment and management policies

POLICE COMMAND AND MANAGEMENT

Command response (continued)

- ❖ Solicit technical assistance from international and bilateral programmes in developing techniques and technical policing skills and capacities for proper and effective law enforcement
- ❖ Establish and announce an appropriate range of penalties for police violations, from suspension, pay docking and termination to criminal penalties for serious violations
- ❖ Strictly regulate the control, storage and issue of weapons and ammunition
- ❖ Carry out periodic, unannounced spot checks on detention facilities, police stations and sub-stations, and inspect weapons and ammunition carried by police to ensure that they comply with official regulations
- ❖ Establish close cooperative relationships with other law enforcement agencies, judges and prosecutors, medical facilities, social service agencies, emergency services, the media and community organizations
- ❖ Develop specialized units to professionalize police attention to juveniles, victims, crowd situations, women's detention facilities, border control, etc.

Session outline fifteen: Community policing

Objectives

UDHR (29(1))

Code of Conduct (eighth preambular paragraph, subparagraph (a))

Tokyo Rules (preambular paras.7 and 11(4); rule 1.2)

The following principles for community policing have been developed by the Office of the United Nations High Commissioner for Human Rights based on the cited provisions of the UDHR, the Code of Conduct and the Tokyo Rules and in the light of the experience of police experts and Member States. They are designed to promote greater cooperation and coordination between the police and the communities they serve.

Practice

Establish a partnership between police and law-abiding members of the community.

Adopt a community relations policy and plan of action.

Recruit from all sectors of the community.

Train officers to deal with diversity.

Establish community outreach and public information programmes.

Liaise regularly with all groups in the community.

Build contacts with the community through non-enforcement activities.

Assign officers to a permanent neighbourhood beat.

Increase community participation in policing activities and community-based public safety programmes.

Involve the community in identifying problems and concerns.

Use a creative problem-solving approach to the development of responses to specific community problems, including non-traditional tactics and strategies.

Coordinate policies, strategies and activities with other government agencies and with non-governmental organizations.

Questions

1. How can community policing strategies make police work more effective?
2. What types of community policing activities are currently undertaken by police agencies in your country?
3. What does “proactive policing” entail?

Exercise

Community policing in Exland

You have decided that the problems of discrimination and the generally negative relationship between the Exland police and the public could be well addressed by the adoption of a community policing strategy in Exland. What arguments will you use to convince the commanders of the Exland police to adopt such a strategy?

Prepare an outline for the strategy, listing (a) the objectives of the strategy; (b) the main problems to be addressed by the strategy; and (c) the principal elements of the strategy.

**MODEL OVERHEAD TRANSPARENCIES
FOR USE WITH SESSION 15
(COMMUNITY POLICING)**

COMMUNITY POLICING

- ❖ Establish a partnership between the police and law-abiding members of the community
- ❖ Adopt a community relations policy and plan of action
- ❖ Recruit from all sectors of the community
- ❖ Train officers to deal with diversity
- ❖ Establish community outreach and public information programmes
- ❖ Have regular contacts with all groups in the community
- ❖ Build contacts with the community through non-enforcement activities
- ❖ Assign officers to a permanent neighbourhood beat
- ❖ Increase community participation in policing activities and community-based public safety programmes
- ❖ Involve the community in identifying problems and concerns
- ❖ Use a creative problem-solving approach to the development of responses to specific community problems, including non-traditional tactics and strategies
- ❖ Coordinate policies, strategies and activities with other government agencies and with NGOs

Session outline sixteen: Police violations of human rights

Objectives

Participants will understand the importance of strict measures for the prevention of human rights violations by police, of prompt, thorough and effective investigations into the commission of such acts, and of effective sanctions for guilty parties.

Sources

Victims Declaration (principle 6)
SMRTP (rule 36)
Code of Conduct (eighth preambular paragraph, subparagraphs (a) and (d); arts. 2, 7 and 8)
Principles on Detention or Imprisonment (principle 33)
Declaration on Enforced Disappearance (arts. 9 and 13)
Principles on Summary Executions (principles 9, 12 and 13)
Principles on Force and Firearms (principles 22, 23, 24, 25 and 26)

Standards

Law enforcement officials shall respect and protect human dignity, and shall maintain and uphold the human rights of all persons.²²⁰

Law enforcement agencies shall be accountable to the community as a whole.²²¹

Effective mechanisms shall be established to ensure internal discipline and external control as well as the effective supervision of law enforcement officials.²²²

Law enforcement officials who have reason to believe that a violation has occurred, or is about to occur, shall report the matter.²²³

Provision shall be made for the receipt and processing of complaints against law enforcement officials by members of the public, and the existence of the provisions shall be publicized.²²⁴

Investigations into violations shall be prompt, competent, thorough and impartial.²²⁵

Investigations shall seek to identify victims, to recover and preserve evidence, to discover witnesses, to discover the cause, manner, location and time of the violation, and to identify and apprehend perpetrators.²²⁶

Crime scenes shall be carefully processed.²²⁷

Superior officers shall be held responsible for abuses if they knew or should have known of their occurrence and did not take action.²²⁸

Police are to enjoy immunity from prosecution or discipline for refusing unlawful superior orders.²²⁹

Obedience to superior orders shall not be a defence for violations committed by police.²³⁰

²²⁰ Code of Conduct, article 2.

²²¹ General Assembly resolution 34/169 of 17 December 1977, adopting the Code of Conduct, eighth preambular paragraph, subparagraph (a).

²²² Code of Conduct, articles 7 and 8; Principles on Force and Firearms, principles 22-26.

²²³ Code of Conduct, article 8.

²²⁴ Declaration on Enforced Disappearance, articles 9 and 13; Principles on Summary Execution, principle 9; Principles on Force and Firearms, principle 23; Principles on Detention or Imprisonment, principle 33; SMRTP, rule 36.

²²⁵ Victims Declaration, principle 6; Principles on Summary Execution, principle 9; Declaration on Enforced Disappearance, article 13.

²²⁶ Principles on Summary Execution, principle 9.

²²⁷ Principles on Summary Execution, principles 9, 12 and 13.

²²⁸ Principles on Force and Firearms, principle 24.

²²⁹ Principles on Force and Firearms, principle 25.

²³⁰ Principles on Force and Firearms, principle 26.

Practice

Command and supervisory officials

Issue clear standing orders and provide regular training on the protection of human rights of all persons who come into contact with the police. Emphasize that all officers have both the right and the duty to defy unlawful superior orders, and to report such unlawful orders to a higher official at once.

Remove from service any official implicated in a human rights violation, pending the outcome of an appropriate investigation. If the official is found to be guilty (in a trial), criminal and disciplinary sanctions should be imposed. If innocent, the official's name should be cleared, and all benefits restored.

Issue a clear statement of policy, and corresponding orders, requiring full disclosure and the cooperation of all officials with both independent and internal investigations

Establish, and strictly enforce, heavy sanctions for interference or non-cooperation with internal and independent investigations

Review regularly the effectiveness of the chain of command within the agency and take prompt action to strengthen it where indicated.

Provide clear guidelines on the preparation of reports, the collection and preservation of evidence, and procedures for protecting witness confidentiality.

Provide entry-level and continuous in-service training for all officials, emphasizing the human rights aspects of police work contained in this Guide.

Develop careful screening processes for new recruits and arrange for periodic assessments of all officers to determine the appropriateness of their character for law enforcement duties.

Establish an accessible mechanism for receipt of complaints by members of the community, and fully investigate and redress all such complaints.

Strictly regulate the control, storage and issue of weapons and ammunition.

Carry out periodic, unannounced spot checks on detention facilities, police stations and sub-stations, and inspect weapons and ammunition carried by police to ensure that they comply with official regulations.

Questions

1. Paragraph (d) of the commentary to article 8 of the Code of Conduct for Law Enforcement Officials states that in some countries the mass media may be regarded as performing complaint review functions in respect of grievances or complaints against law enforcement officials. Under what circumstances would it be acceptable for a police official to report violations of the Code of Conduct to a newspaper?
2. What steps can be taken within police organizations to ensure that police officials report violations of human rights by colleagues?
3. What can be done to reassure the public that when police investigate unlawful actions, including human rights violations, by other police officials the investigations are thorough and rigorous?
4. What are the various ways in which members of the public can be made aware of systems adopted to investigate human rights violations by the police? How can such systems be made accessible to members of the public so that there are no obstacles to complaints about human rights violations?
5. Should the police investigate unlawful activity, including human rights violations by the police, or should another completely independent agency carry out investigations into allegations of police criminality?

6. Under what circumstances and to what extent should police officials with supervisory responsibilities be held responsible for human rights violations by their subordinates?
7. If there are effective systems to investigate human rights violations by the police, will this cause the police to be over cautious and less willing to act decisively to prevent and detect crime? If this is a danger, what steps can be taken by commanders and managers of law enforcement agencies to avert this possibility without undermining the effectiveness of investigation systems?
8. In a State in which the Government lacks legitimacy in the eyes of the people or is over-dependent on the security forces for its survival, the Government may be unwilling or unable to initiate effective investigations into human rights violations by law enforcement officials. In such cases would you recommend the formation of a permanent international investigatory body, empowered to carry out investigations of human rights violations within States and to bring alleged perpetrators of such violations before an international criminal court? Give reasons for your conclusions. What factors would influence the effectiveness of such a body?
9. You receive reliable information that a police official under your command tortured a person in detention who then admitted involvement in a bank robbery in which a security guard was killed by the robbers. The confession led to the recovery of stolen property and the arrest of other robbers. What will you do?
10. In many countries, special squads of police officials are formed to investigate corruption and other criminal activity by police officials. How can you ensure that such special squads remain uncorrupted? Who watches the watchers?

Exercise

Police violations of human rights

There is a general lack of confidence among the Exland public in the way the Exland police deal with violations committed by their own officers. Indeed, relatively few officers have faced criminal prosecution for violations, and internal disciplinary procedures are seldom formally invoked. Steps are, however, being taken to strengthen the role of the prosecutor and the courts so that they deal more effectively and fairly with criminal violations committed by the police. Nevertheless, no steps have been taken to strengthen the internal rules and procedures for discipline or to strengthen their application.

You are to prepare a plan for the development of new disciplinary procedures. The plan should address the establishment of complaints mechanisms which are accessible to the public, and which are effective and fair. It should also address the composition of such mechanisms, the range of penalties to be available and the redress to be available to victims. Lastly, it should distinguish between offences that require criminal prosecution and those that can be dealt with appropriately through internal discipline.

**MODEL OVERHEAD TRANSPARENCIES
FOR USE WITH SESSION 16
(POLICE VIOLATIONS)**

POLICE VIOLATIONS

International standards

- ❖ Law enforcement officials shall respect and protect human dignity, and shall maintain and uphold the human rights of all persons
- ❖ Law enforcement agencies shall be accountable to the community as a whole
- ❖ Effective mechanisms shall be established to ensure internal discipline and external control as well as the effective supervision of law enforcement officials
- ❖ Law enforcement officials who have reason to believe that a violation has occurred, or is about to occur, shall report the matter
- ❖ Provision shall be made for the receipt and processing of complaints against law enforcement officials by members of the public, and the existence of these provisions shall be publicized
- ❖ Investigations into violations shall be prompt, competent, thorough and impartial
- ❖ Investigations shall seek to identify victims, to recover and preserve evidence, to discover witnesses, to discover cause, manner, location and time of the violation, and to identify and apprehend perpetrators

POLICE VIOLATIONS

International standards (continued)

- ❖ Crime scenes shall be carefully processed
- ❖ Superior officers shall be held responsible for abuses if they knew or should have known of their occurrence and did not take action
- ❖ Police are to receive immunity from prosecution or discipline for refusing unlawful superior orders
- ❖ Obedience to superior orders shall not be a defence for violations committed by police

POLICE VIOLATIONS

Guidelines for command and supervisory officials

- ❖ Issue clear standing orders and provide regular training on the protection of human rights of all persons who come into contact with the police. Emphasize that all officers have both the right and the duty to defy unlawful superior orders, and to report such unlawful orders to a higher official at once.
- ❖ Remove from service any official implicated in a human rights violation pending the outcome of an appropriate investigation. If the official is found to be guilty (in a trial), criminal and disciplinary sanctions should be imposed. If he or she is found to be innocent, the official's name should be cleared and all benefits restored.
- ❖ Issue a clear statement of policy, and corresponding orders, requiring full disclosure and the cooperation of all officials with both independent and internal investigations
- ❖ Establish and strictly enforce heavy sanctions for interference or non-cooperation with internal and independent investigations
- ❖ Review regularly the effectiveness of the chain of command within the agency and take prompt action to strengthen the chain of command where indicated

POLICE VIOLATIONS

Guidelines for command and supervisory officials (continued)

- ❖ Provide clear guidelines on the preparation of reports, the collection and preservation of evidence, and procedures for protecting witness confidentiality
- ❖ Provide entry-level and continuous in-service training for all officials, emphasizing the human rights aspects of police work contained in this Guide
- ❖ Develop careful screening processes for new recruits, and arrange for periodic assessments of all officers to determine the appropriateness of their character for law enforcement duties
- ❖ Establish an accessible mechanism for receipt of complaints by members of the community, and fully investigate and redress all such complaints
- ❖ Strictly regulate the control, storage and issue of weapons and ammunition
- ❖ Carry out periodic, unannounced spot checks on detention facilities, police stations and sub-stations, and inspect weapons and ammunition carried by police to ensure that they comply with official regulations

INVESTIGATING POLICE VIOLATIONS

- ❖ Essential principles
- ❖ Police agencies and police officials are to respect human dignity and protect and promote the human rights of all persons.
- ❖ Police agencies are to be accountable to the entire community.
- ❖ Police officials are to be personally responsible under the law for their acts or omissions.
- ❖ Police officials are to report suspected human rights violations by police officials.
- ❖ Allegations of human rights violations by police officials are to be subjected to a thorough, prompt and impartial investigation.
- ❖ Procedures and institutions established to investigate human rights violations by the police are to be known and accessible to individual citizens.

PART FIVE

SELECTED COURSE MATERIALS

Model pre-course questionnaire

To ensure that this course meets your needs more effectively, we would appreciate your completing this brief questionnaire.

1. What is your educational background (fields of study, certificates/degrees obtained)?
2. To what duties are you assigned?
3. Have you had any previous human rights training? If so, please give details.
4. What is the greatest challenge facing you as a police officer?
5. In your opinion, which are the most important human rights issues to be addressed in a course of this kind?
6. Are you aware of any international standards specifically applicable to the work of police officials?
7. If so, can you name any of the instruments/treaties that contain these standards?

8. What are the rights of arrested persons?
9. Are there circumstances in which torture is permissible?
10. When is a police official allowed to use his or her firearms?
11. A law enforcement official becomes aware of the fact that a colleague has committed a serious human rights violation. What action should he or she take?
12. Should juvenile offenders be treated differently from adult offenders? Explain.
13. Should violence within the family be a matter for action by the police?
14. Is there any other matter you would like to bring to the attention of the training team or have discussed in the course?

Model post-course evaluation

To let us know your impressions and assessment of the course you have just completed so that we may respond to your concerns in our ongoing development and improvement of training activities, we would appreciate your answering the few brief questions set out below. Thank you in advance for your cooperation.

1. How satisfied are you with the presentation of international standards in this course?

- (a) very satisfied
- (b) satisfied
- (c) not satisfied

Please comment:

2. How satisfied are you with the degree to which the means for practical implementation of these standards in your work was addressed?

- (a) very satisfied
- (b) satisfied
- (c) not satisfied

Please comment:

3. How satisfied are you with the structure of the course?

- (a) very satisfied
- (b) satisfied
- (c) not satisfied

Please comment:

4. How satisfied are you with the expert presentations?

- (a) very satisfied
- (b) satisfied
- (c) not satisfied

Please comment:

5. How satisfied are you with the working groups and other practical exercises conducted during the course?

- (a) very satisfied
- (b) satisfied
- (c) not satisfied

Please comment:

6. How satisfied are you with the plenary discussions held during the course?

- (a) very satisfied
- (b) satisfied
- (c) not satisfied

Please comment:

7. How satisfied are you with the materials provided to you during the course?

- (a) very satisfied
- (b) satisfied
- (c) not satisfied

Please comment:

8. Have you during this course acquired the necessary knowledge and skills:

- (a) to apply human rights standards in your work?
- (b) to pass along the information received to your colleagues?

Please comment:

9. In your opinion, what is the best method of training police officials in human rights?

10. What additional comments would you like to offer?

PART SIX

MODEL COURSE PROGRAMMES

Office of the United Nations High Commissioner
for Human Rights



Human Rights in Law Enforcement: Training Course for Police Trainers

Programme of Work

Day One

- 7.30 - 8 a.m. *Registration of participants; document distribution*
- 8.30 – 9 a.m. *Opening address by representative of police*
Opening address by representative of training group
- 9 – 9.30 a.m. *Introduction of training team and participants*
- 9.30 – 9.45 a.m. **Coffee break**
- 9.45 – 10 a.m. *Course introduction and overview*
- 10 – 11 a.m. *Sources, systems and standards for human rights in law enforcement*
Presentations: 40 minutes
Questions and answers: 20 minutes
- 11 a.m. – 1 p.m. *Civil policing in the democratic order: ethics and the rule of law*
Presentations: 40 minutes
Working groups: 40 minutes
Plenary reports by groups: 40 minutes
- 1 – 2 p.m. **Lunch break**
- 2 – 3.30 p.m. *Human rights, police and non-discrimination*
Presentation: 20 minutes
Moderated group discussion: 70 minutes

End of Day One

Day Two

8.30 – 11 a.m.

Human rights and police investigations

Presentation: 40 minutes
Questions and answers: 20 minutes
Working groups: 40 minutes
Plenary reports: 50 minutes

11 – 11.15 a.m.

Coffee break

11.15 a.m. – 1 p.m.

Protecting the rights of refugees

Presentation: 20 minutes
Working groups: 40 minutes
Plenary reports: 45 minutes

1 – 2 p.m.

Lunch break

2 – 3.30 p.m.

Police and juvenile justice

Presentation: 30 minutes
Group discussion: preventing juvenile crime: 60 minutes

End of Day Two

Day Three

8.30 – 11 a.m.

Human rights during arrest and detention

Presentation: 40 minutes
Questions and answers: 20 minutes
Working groups: 40 minutes
Plenary reports: 50 minutes

11 – 11.15 a.m.

Coffee break

11.15 a.m. – 1 p.m.

Community policing

Presentation: 30 minutes
Brainstorming session: 75 minutes

1 – 2 p.m.

Lunch break

2 – 3.30 p.m.

The rights of women in the administration of justice

Presentation: 30 minutes
Group discussion: protecting the rights of women: 60 minutes

End of Day Three

Day Four

- 8.30 – 11 a.m.** *The use of force and firearms*
Presentation: 40 minutes
Questions and answers: 20 minutes
Working groups: 40 minutes
Plenary reports: 50 minutes
- 11 – 11.15 a.m.** **Coffee break**
- 11.15 a.m. – 1 p.m.** *Investigating police violations*
Presentation: 20 minutes
Working groups: 40 minutes
Plenary reports: 45 minutes
- 1 – 2 p.m.** **Lunch break**
- 2 – 3.30 p.m.** *Protection and redress for victims*
Presentation: 30 minutes
Group discussion: justice for victims: 60 minutes

End of Day Four

Day Five

- 8.30 – 11 a.m.** *Civil disorder and armed conflict*
Presentation: 40 minutes
Questions and answers: 20 minutes
Working groups: 40 minutes
Plenary reports: 50 minutes
- 11 – 11.15 a.m.** **Coffee break**
- 11.15 a.m. – 1 p.m.** *Incorporating human rights into police training curricula*
Presentation: 30 minutes
Working groups: 45 minutes
Plenary reports: 30 minutes
- 1 – 2 p.m.** **Lunch break**
- 2 – 4 p.m.** *Preparing human rights lesson plans*
Instructions: 15 minutes
Supervised drafting groups: 90 minutes
Review in plenary: 45 minutes

End of Day Five

Day Six

8.30 – 11 a.m. *Delivering human rights lessons*
Instructions: 15 minutes
Delivery of lessons by trainees: 135 minutes

11 – 11.15 a.m. **Coffee break**

11.15 a.m. – 1 p.m. *Delivery of lessons, continued: 95 minutes*

1 – 2 p.m. **Lunch break**

2 – 3 p.m. **Final examination**

3 – 3.15 p.m. **Coffee break**

3.15 – 4 p.m. **Review of examinations**

End of Day Six

Day Seven

9 – 10 a.m. *Course evaluation*
Presentation: 5 minutes
Completion of evaluation forms: 30 minutes
Group discussion: 25 minutes

10 – 10.15 a.m. **Coffee break**

10.15 – 11.15 a.m. **Closing ceremony**
Closing address by representative of the training group
Closing address by representative of the police
Presentation of certificates



Human Rights in Law Enforcement: Workshop for Police Commanders

Programme of Work

Day One

- 7.30 – 8.30 a.m. *Registration of participants; document distribution*
- 8.30 – 9 a.m. *Opening address by representative of police*
Opening address by representative of training group
- 9 – 9.30 a.m. *Introduction of training team and participants*
- 9.30 – 9.45 a.m. **Coffee break**
- 9.45 – 10 a.m. *Course introduction and overview*
- 10 – 11 a.m. *Sources, systems and standards for human rights in law enforcement*
Presentations: 40 minutes
Questions and answers: 20 minutes
- 11 a.m. – 1 p.m. *Civil policing in the democratic order: ethics and the rule of law*
Presentations: 40 minutes
Working groups: 40 minutes
Plenary reports by groups: 40 minutes
- 1 – 2 p.m. **Lunch break**
- 2 – 3.30 p.m. *Human rights, police and non-discrimination*
Presentation: 20 minutes
Moderated group discussion: 70 minutes

End of Day One

Day Two

- 8.30 – 11 a.m. *Human rights and police investigations*
Presentation: 40 minutes
Questions and answers: 20 minutes
Working groups: 40 minutes
Plenary reports: 50 minutes
- 11 – 11.15 a.m. **Coffee break**

11.15 a.m. – 1 p.m. *Protecting the rights of refugees*

Presentation: 20 minutes

Working groups: 40 minutes

Plenary reports: 45 minutes

1 – 2 p.m. **Lunch break**

2 – 3.30 p.m. *Police and juvenile justice*

Presentation: 30 minutes

Group discussion: preventing juvenile crime: 60 minutes

End of Day Two

Day Three

8.30 – 11 a.m. *Human rights during arrest and detention*

Presentation: 40 minutes

Questions and answers: 20 minutes

Working groups: 40 minutes

Plenary reports: 50 minutes

11 – 11.15 a.m. **Coffee break**

11.15 a.m. – 1 p.m. *Community policing*

Presentation: 30 minutes

Brainstorming session: 75 minutes

1 – 2 p.m. **Lunch break**

2 – 3.30 p.m. *The rights of women in the administration of justice*

Presentation: 30 minutes

Group discussion: protecting the rights of women: 60 minutes

End of Day Three

Day Four

8.30 – 11 a.m. *The use of force and firearms*

Presentation: 40 minutes

Questions and answers: 20 minutes

Working groups: 40 minutes

Plenary reports: 50 minutes

11 – 11.15 a.m. **Coffee break**

11.15 a.m. – 1 p.m. *Investigating police violations*

Presentation: 20 minutes

Working groups: 40 minutes

Plenary reports: 45 minutes

1 – 2 p.m. **Lunch break**

2 – 3.30 p.m. *Protection and redress for victims*
Presentation: 30 minutes
Group discussion: justice for victims: 60 minutes

End of Day Four

Day Five

8.30 – 11 a.m. *Civil disorder and armed conflict*
Presentation: 40 minutes
Questions and answers: 20 minutes
Working groups: 40 minutes
Plenary reports: 50 minutes

11 – 11.15 a.m. **Coffee break**

11 a.m. – 1 p.m. *Special considerations for command and management*
Presentation: 30 minutes
Working groups: 45 minutes
Plenary reports: 30 minutes

1 – 2 p.m. **Lunch break**

2 – 4 p.m. *Preparing standing orders for human rights*
Instructions: 15 Minutes
Supervised drafting groups: 90 Minutes
Review in plenary: 45 minutes

End of Day Five

Day Six

8.30 – 11 a.m. *Plenary workshop to review and adopt standing orders*
Instructions: 15 minutes
Discussion: 135 minutes

11 – 11.15 a.m. **Coffee break**

11.15 – 1 p.m. *Completion and adoption of standing orders*
Discussion: 90 minutes
Adoption of standing orders: 15 minutes

1 – 2 p.m. **Lunch break**

2 – 3 p.m. *Final discussion*

3 – 3.15 p.m. **Coffee break**

3.15 – 4 p.m. *Review*

End of Day Six

Day Seven

9 – 10 a.m.

Course evaluation

Presentation: 5 minutes

Completion of evaluation forms: 30 minutes

Group discussion: 25 minutes

10 – 10.15 a.m.

Coffee break

10.15 -11.15 a.m.

Closing ceremony

Closing address by representative of police

Closing address by representative of the training group

Presentation of certificates